



# भारत का राजपत्र The Gazette of India

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह भलग संकलन के रूप में रखा जा सके  
Separate paging is given to this Part in order that it may be filed as a separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों और (संघ राज्यक्षेत्र प्रशासनों को छोड़ कर)  
केन्द्रीय प्राधिकारियों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India  
(other than the Ministry of Defence) by Central Authorities (other than the  
Administrations of Union Territories)

### भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 7 अगस्त, 1980

का० प्रा० 2484 :—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 16-मवेलीकारा संसदीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री थारायिलथन केसावा पिल्लई, पनजीकट्टु वीडु, भरनीसावु, दक्षिण, डाक० पल्लिकल, (केरल) पिन-690503 लोक प्रतिनिधित्व अधिनियम, 1951 तथा संबंधित बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यत्, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापारिक नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री थारायिलथन केसावान पिल्लई को संसद के

किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० केरल-सो० सं०/16/80(8)]

### ELECTION COMMISSION OF INDIA

#### ORDER

New Delhi, the 7th August, 1980

S.O. 2484.—Whereas the Election Commission is satisfied that Shri Tharayilthan Kesava Pillai, Panjikkattu Veedu, Bharanicavu South, Pallickal P.O., (Kerala), Pin-690503, a contesting candidate for general election to the House of the People held in January, 1980 from 16-Mavelikara Parliamentary Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Tharayilthan Kesava Pillai to be disqualified for being

chosen as, and for being a member of either house of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-HP/16/80(8)]

आदेश

नई दिल्ली, 8 अगस्त, 1980

क्र० आ० 2485 :—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में इए केरल विधान सभा के लिए साधारण निर्वाचन के लिए 113-कोन्नी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री विजयन गोविन्दन, थोप्पिल हाउस, अम्पल्लोरकुझियल, कोन्नी, क्विलोन (केरल) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री विजयन गोविन्दन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० केरल-वि०सं०/113/80(22)]

ORDER

New Delhi, the 8th August, 1980

S.O. 2485.—Whereas the Election Commission is satisfied that Shri Vijayan Govindan, Thoppil House, Ampallorkuzhiel, Konni, Quilon District (Kerala), a contesting candidate for general election to the Kerala Legislative Assembly held in January, 1980 from 113-Konni Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Vijayan Govindan to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-LA/113/80(22)]

आदेश

नई दिल्ली, 11 अगस्त, 1980

क्र० आ० 2486 :—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में इए केरल विधान सभा के लिए साधारण निर्वाचन के लिए 126-एरावीपुरम निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बी० कोनास्सन कुन्जु, किझक्केमन्नारझिकाथु वेदु, मुत्ताक्कावु, कन्नानलबोर P.O. (केरल) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं

दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बी० कोनास्सन कुन्जु को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० केरल-वि०सं०/125/80(23)]

ORDER

New Delhi, the 11th August, 1980

S.O. 2486.—Whereas the Election Commission is satisfied that Shri V. Kochassan Kunju, Kizhakkemannarazhikathu Veedu, Muttakkavu, Kannanalloor P.O. (Kerala), a contesting candidate for general election to Kerala Legislative Assembly held in January, 1980 from 125-Eravipuram Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri V. Kochassan Kunju to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-LA/125/80(23)]

आदेश

क्र० आ० 2487 :—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में इए केरल विधान सभा के लिए साधारण निर्वाचन के लिए 125-एरावीपुरम निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री के० वामादेवन, थोप्पिल वेदु, थेक्केविला चेरी, एरावीपुरम डाक०, क्विलोन (केरल) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री के० वामादेवन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० केरल-वि०सं०/125/80(24)]

ORDER

S.O. 2487.—Whereas the Election Commission is satisfied that Shri K. Vamadevan, Thoppil Veedu, Thekkekila Cherry, Eravipuram P.O., Quilon (Kerala), a contesting candidate for general election to the Kerala Legislative Assembly held in January, 1980 from 125-Eravipuram Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. Vamadevan to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-LA/125/80(24)]

**आदेश**

का० आ० 2488 :—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए केरल विधान सभा के लिए साधारण निर्वाचन के लिए 125-एरावीपुरम निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री उमायानल्लूर शमसुद्दीन, वरुविल थुन्दु, उमायानल्लूर डाक०, कबीलोन (केरल) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री उमायानल्लूर शमसुद्दीन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० केरल-वि०स०/125/80(25)]

**ORDER**

S.O. 2488.—Whereas the Election Commission is satisfied that Shri Umayanloor Shamsudalin, Varuvil Thundu, Umayanloor P.O., Quilon (Kerala), a contesting candidate for general election to the Kerala Legislative Assembly held in January, 1980 from 125-Eravipuram Assembly Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Umayanloor Shamsuddin to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-LA/125/80(25)]

**आदेश**

नई दिल्ली, 16 अगस्त, 1980

का० आ० 2489 :—यतः, निर्वाचन आयोग की समाधान हो गया है कि जनवरी, 1980 में हुए केरल विधान सभा के लिए साधारण निर्वाचन के लिए 2-कासरगोड निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री के० कृष्णन, सुपुत्र कुन्हीरमन, जे० बी० मन्थिर के पीछे, पिलीकुन्नू, कासरगोड-670121 (केरल) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री के० कृष्णन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० केरल-वि०स०/2/80(26)]

आदेश से,

धर्म बीर, अवर सचिव

**ORDER**

New Delhi, the 16th August, 1980

S.O. 2489.—Whereas the Election Commission is satisfied that Shri K. Krishnan, S/o Kunhiraman, Opposite J. B. Mandir, Piliakunnu, Kasaragod-670121 (Kerala), a contesting candidate for general election to the Kerala Legislative Assembly held in January, 1980 from 2-Kasaragod Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. Krishnan to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-LA/2/80(26)]

By order,

DHARAM VIR, Under Secy.

नई दिल्ली, 18 अगस्त, 1980

का० आ० 2490 :—लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 106 के अनुसरण में निर्वाचन आयोग, 1980 की निर्वाचन प्रणाली सं० 1 में दिया गया उच्च न्यायालय, नई दिल्ली, का तारीख 23 मई, 1980 का आदेश प्रकाशित करता है।

IN THE HIGH COURT OF DELHI AT NEW DELHI  
ELECTION PETITION NO. 1/80

Shri C. M. Stephen,

9, Raisina Road, New Delhi.

..Petitioner,

Versus

Shri Atal Behari Vajpayee,

7, Safdarjang Road, New Delhi.

..Respondent.

Election Petition Under Section 81 of the Representation of the people Act, 1951 praying that :

(i) that the election of the respondent, the returned candidate, be declared to be void, and

(ii) that the petitioner may be allowed the costs of the petition against the respondent.

This the 23rd day of May, 1980.

CORAM :

HON'BLE MR. JUSTICE S.S. CHADHA.

For the petitioner... Mr. A. I. Sen, Sr. Advocate with  
Mr. D. D. Chawla and Mr. O. L. Chaudhary,  
Advocate.

Mr. R. N. Mittal.

For the Respondent... Mr. Shanti Bhushan, Sr. Advocate  
with Mr. R. P. Bansal, Advocate Mr. D. P. Gupta,  
Advocate.

JUDGMENT : S. S. CHADHA, J.

This order will be treated as in continuation of the order of April 22, 1980 determining the preliminary issues and it is, therefore, unnecessary to re-state the substance of the pleadings. The material controversy raised in the election petition is the subject matter of issue No. 7.

ISSUE NO 7.

Whether Shri Madan Lal Khurana in the service of the Government at the relevant time and belonging to the class of gazetted officers? If so, whether the election of the respondent is liable to be declared as void on the ground of corrupt practice under section 100(1)(b) read with Section 123(7) of the Representation of the People Act, 1951? O.P.P.

Shri Madan Lal Khurana (for short Shri Khurana) was returned at the election of 1977 to the Metropolitan Council for Delhi constituted under the provisions of Delhi Administration Act, 1966. He was appointed as an Executive Councillor by a notification dated June 24, 1977, Ex. P-5, published in the Delhi Gazette Extraordinary of Friday, June 24, 1977. He was functioning as an Executive Councillor at the referred time of the last Parliamentary election. Section 40 of the Representation of the People Act, 1951 (hereinafter referred to as the Act) permits a candidate at an election to appoint in the prescribed manner any one person other than himself to be his election agent and when any such appointment is made, notice of the appointment has to be given in the prescribed manner to the returning officer. Rule 12 of the Conduct of Election Rules, 1961 prescribed the procedure for appointment of an election agent. It provides that any appointment of an election agent under section 40 shall be made in Form 8 and the notice of 14 on appointment shall be given by forwarding the same in duplicate to the returning officer who shall return one copy thereof to the election agent after affixing thereon his seal and signatures in token of his approval of the appointment. There is no doubt that Shri Atal Behari Vajpayee, the returned candidate (for short the respondent) made the appointment of Shri Khurana as the election agent in the prescribed manner. The certified copy of Form 8 in the records of the Returning Officer, New Delhi Parliamentary Constituency is Ex. P-2 and its English translation is Ex. P-2/T. It contains the nomination by the respondent of Shri Khurana as the election agent and the acceptance of Shri Khurana. The original letter of the Returning Officer, New Delhi Parliamentary Constituency, Ex. P-3, establishes that the application of the respondent in Form 8 was presented to the Returning Officer on December 31, 1979 and a copy was returned thereof. In para 8(a) of the election petition, the allegation is that the respondent obtained the assistance of Shri Khurana, a person belonging to the class of gazetted officers in the service of the Government, for the furtherance of his prospects in the election (i) by appointing him as an election agent, and (ii) by involving him in the conduct of election campaign. In the corresponding paragraph of the written statement, there is a specific denial of the allegation that Shri Khurana was a person belonging to the class of gazetted officers in the service of the Government but the respondent has omitted to traverse the other material allegation in sub para (a) of para 8 of the election petition. It is also not disputed even at the Bar that the respondent had appointed Shri Khurana as his election agent at the election and this appointment is valid in law.

Under Section 100(1)(b) of the Act, the High Court has to declare the election of the returned candidate to be void if the High Court is of the opinion that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of the returned candidate or his election agent. Under Section 123(7)(a) of the Act, the obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any

other person with the consent of a candidate or his election agent, any assistance (other than giving of vote) for the furtherance of the prospects of that candidate's election from any person in the service of the Government and belonging to the class of gazetted officers shall be deemed to be a corrupt practice for the purposes of the Act. By virtue of Explanation (2), for the purposes of Clause (7), a person shall be deemed assistance in the furtherance of the prospects of a candidate's election if he acts as an election agent of a candidate. That explanation raises a statutory un rebuttable presumption that the obtaining of the services of Shri Khurana when he acted as the election agent of the respondent would be deemed assistance in the furtherance of the prospects of the respondent's election. Shri Shanti Bhushan, the learned counsel for the respondent, however, during the course of arguments, attempted to raise a plea that Shri Khurana did not in fact act as the election agent, I have already referred to the pleadings in which an allegation was made of obtaining the assistance of Shri Khurana for the furtherance of the prospects at the election by appointing him as an election agent and by involving him in the conduct of the election campaign and the admission by doctrine of non-traverse. In Para 7(d) of the election petition, an allegation is made that the result of the election was materially affected by the appointment of Shri Khurana as an election agent and by his functioning in that capacity. In the corresponding para of the written statement, it is denied that the result of the election has been materially affected by the appointment of Shri Khurana as an election agent or by his functioning in that capacity as alleged or otherwise. There is thus an implied admission to the appointment of Shri Khurana as the election agent and his functioning in that capacity. At the time of framing of the issues, the counsel for the respondent did not claim the issue that Shri Khurana though was appointed as the election agent by the respondent, yet in fact did not act as the election agent. It is for these reasons that the issue is confined to the determination of the vexed question whether Shri Khurana was in the service of the Government at the relevant time and belonging to the class of gazetted officers. The trial of the election petition proceeded on the basis that Shri Khurana assisted for the furtherance of the prospects of the respondent's election by acting as the election agent of the respondent. The only ingredients to be established to bring home the charge of the commission of corrupt practice are (i) that the obtaining of the elections is from any person in the service of the Government, and (ii) belonging to the class of gazetted officers.

I may now consider the true nature of the office of the Executive Councillor held by Shri Khurana in order to determine whether he was in the service of the Government at the time he acted as the election agent of the respondent.

The structure of the Government for our country is detailed in the Constitution of India. Parts V, VI and VIII of the Constitution of India lay it down for the Union, the States and the Union Territories specified in the First Schedule, respectively. It is broadly divided into three departments, the Executive, the Legislature and the Judiciary. The Constitution of India has not, however, recognised the doctrine of separation of powers in its absolute rigidity but the functions of different parts of the Government have been sufficiently differentiated. The Executive power of the Union is vested in the President and is to be exercised by him either directly or through officer subordinate to him in accordance with the Constitution (Article 53). The executive power of the State vests in the Governor and is to be exercised by him either directly or through officers subordinate to him in accordance with the Constitution (Article 154). Subject to the provisions of the Constitution, the executive power of the Union extends to the matters with respect to which Parliament has power to make laws except that unless expressly provided in the Constitution or by any law made by Parliament, the executive power does not extend to any matter in the concurrent legislative list (Article 73). Similarly, the executive power of the State is made co-extensive with its legislative power, subject, however, regarding matters in the concurrent legislative list to the executive power expressly conferred by the Constitution, or by any law made by the Parliament, upon the Union or the authorities thereof (Article 162). The exercise of the executive power of the Union is the function of the President and in order to aid and advice him, the provision is made in Article 74 that there shall be a Council of Ministers with the Prime Minister at the head to aid and advice the President who shall in the exercise of his functions, act in accordance with such advice. Under Article 75, the

Prime Minister is to be appointed by the President and the other Ministers are to be appointed by the President on the advice of the Prime Minister. The Minister hold office during the pleasure of the President. Before a Minister enters upon his office, the President administers to him the oath of office and secrecy. A Minister who for any period of six consecutive months is not a member of either House of Parliament ceases to be a Minister at the expiration of that period. The salaries and allowances of Ministers are such as Parliament may from time to time by law determine and till then, they are as specified in the Second Schedule. Provision is also made for the conduct of the Government of India's business in Article 77. All executive action of the Government of India is expressed to be taken in the name of the President. Orders and other instruments are to be authenticated in such a manner as may be specified in the Rules to be made by the President. The President is also to make Rules for the more convenient transaction of the business of the Government of India and for the allocation among Ministers of the said business. Articles 162, 163 and 166 contain mutatis mutandis same provision for the Council of Ministers to aid and advice the Governor in the exercise of his functions, except in so far as he is by or under the Constitution required to exercise his functions or any of them in his discretion.

It may not be possible to frame an exhaustive definition of what executive function means and implies. Ordinarily, the executive power connotes the residue of governmental functions that remain after legislation and judicial functions are taken away. The executive function comprises both the determination of policy as well as carrying it into execution and includes the initiation of the legislation, the maintenance of the order, the promotion of social and economic welfare, the direction of foreign policy, in fact the carrying on or supervision of the general administration of the State. By reason of Article 298, it will also include the carrying on of the trading operations, the acquisition, holding and disposing of property and the making of the contract for any purpose ["Raj Sahib Ram Jamaya Kapur and others V. State of Punjab", 1955(2) S.C.R. 225].

In the limited backdrop of the above provisions of the Constitution and the extent of the Executive function, the question to be considered is whether the Prime Minister and other Ministers or the Chief Minister and the other Ministers are persons in the service of the Government. One cannot forget that in our country there is a responsible system of Government both at the Centre and in the States. The candidates contest elections on their affiliation to a particular political party and may be returned. There is unwritten convention that the leaders of the party which commands the majority in the House is entrusted with the task of forming the Government and the Ministers are generally the leaders and are chosen from the party. When the Ministers occupy the position they form political part of the Government. When appointed as Ministers, they occupy a dual capacity. In one capacity, the Ministers aid and advice the President or the Governor, as the case may be, in the exercise of his functions. The President as well as the Governor is the Constitutional head. As pointed out by the Supreme Court in "Shamsher Singh V. State of Punjab and another", A.I.R. 1974 S.C. 2192, the President as well as the Governor is the Constitutional or formal head. The President as well as the Governor exercises his powers and functions conferred on him by or under the Constitution on the aid and advice of the Council of Ministers, save in spheres where the Governor is required by or under the Constitution to exercise his functions in his discretion. Wherever the Constitution requires the satisfaction of the President or the Governor for the exercise by the President or the Governor of any power or function, the satisfaction required by the Constitution is not the personal satisfaction of the President or Governor but the satisfaction of the President or Governor in the Constitutional sense in the Cabinet system of Government, that is, satisfaction of his Council of Ministers on whose aid and advice the President or the Governor generally exercises all his powers and functions. The decision of any Minister or officer under Rules of business made under any of these two Articles 77(3) and 166(3) is the decision of the President or the Governor respectively. These articles did not provide for any delegation. Therefore, the decision of Minister or officer under the rules of business is the decision of the President or the Governor. In other words, the President or the Governor

acts on the aid and advice of the Council of Ministers and the Prime Minister at the head in the case of the Union and the Chief Minister at the head in the case of States in all matters which vest in the executive whether those functions are executive or legislative in character. Ministers while acting under Rules of business are carrying out the executive functions, not as persons in service of the Government, but as a part and parcel of the Government.

In their capacity as leaders of their party, the Ministers have to explain to the electors the policies and programmes which they seek to enforce. A Minister merely by reason of his office would not suffer from any disability either to contest at the next elections or to assist for the furtherance of the prospects of the party candidates election or to ask the electors to vote for them who are pledged to support those policies and programmes. This was the view taken by the Andhra Pradesh High Court in "Javalakshmi Dayamma V. Janardhan Reddi", 17 E.L.R. 302 with which I am in respectful agreement.

Reliance was placed by Shri A. K. Sen, the learned counsel for the petitioner on "Imperor V. Shiv Nath Banarjee", A.I.R. 1945 P.C. 156 wherein it was held that "so far as it is relevant in the present case, their Lordships are unable to accept the suggestion by counsel for the respondent that the Home Minister is not an officer subordinate to the Governor within the meaning of Section 49(1), and so far as the decision in "Emperor V. Amendra Prasad", I.L.R., 1939 Calcutta decides that a Minister is not such an officer, their Lordship are unable to agree with it". The Privy Council in that case considered the provisions of Section 49 of the Government of India Act, 1935 which provides as under :—

"The Executive authority of a province shall be exercised on behalf of his Majesty by the Governor, either directly or through officers subordinate to him."

What the Privy Council lays down in that case is that the Minister is an officer subordinate to the Governor, but from that it does not of necessity follow that a Minister is in the service of the Government ("Lalibhai Jodhabhai Bar V. Vinodchandra Jathalal Patel", A.I.R. 1963 Gujarat 297). In that case, a candidate had appointed the Parliamentary Secretary to the Chief Minister of the State of Gujarat as his election agent and utilised his services for furtherance of the prospects of his election. The question arose whether that candidate was guilty of any corrupt practice under Section 123(7) of the Act. It was held that Parliamentary Secretaries in the State of Gujarat form part of the Government and they cannot be regarded as being in the service of the Government within the meaning of Section 123(7). In "Rustam Satin V. Dr. Sampooranand", 20 F.L.R. 221, the Allahabad High Court held that a Minister cannot be held to be a Government servant. In "Amirchand V. Surendra Lal Jha and others", 10 E.L.R. 57 the Election Tribunal, Nagpur held that Ministers are officers appointed by the Governor but they are in no sense servants of the Government, and the rules requiring Government servants to refrain from taking part in election propaganda or in any other way assisting a candidate in an election, do not apply to them. In "Triloki Singh V. Shivrajwati Nehru", 16 E.L.R. 234, the Election Tribunal, Lucknow, after referring to the provisions contained in the Constitution relating to the Council of Ministers in the State expressed that the Ministers themselves constitute the Government and it is obvious that a person cannot be at the same time be a master as well as a servant. In "Mast Ram V. Iqbal Singh", 12 E.L.R. 34, the Election Tribunal, Amritsar held that the Ministers are not persons serving under the Government of any State and then can be canvassing by them in the support of a candidate. In "Kartick Chandara Rout V. Bijoy Krishna De" 1962 Doabia E.L. 282, the Election Tribunal, Balasore expressed the view that Shri Nehru's assistance by addressing election meetings cannot be said to be an assistance of a person in the service of the Government for the furtherance of the election prospects.

Originally, the States of the Indian Union were of three categories as enumerated in Parts A, B & C of the First Schedule of the Constitution. Article 239 of the Constitution related to the administration of Part C States and provided:—

"Subject to the other provisions of this part, a State specified in Part C of the First Schedule shall be administered by the President acting, to such extent

as he thinks fit, through a Chief Commissioner or a Lt. Governor to be appointed by him or through the Government of a neighbouring State .....

As a result of subsequent amendment of the Constitution by the Constitution (Seventh Amendment) Act, 1956, there are now only two categories of States comprised in the Indian Union, namely, (1) State, (2) Union Territories. Article 239(1) now reads as under :—

“Save as otherwise provided by Parliament by law, every Union Territory shall be administered by the President acting, to such extent as he thinks fit through an Administrator to be appointed by him with such designation as he may specify.”

The Part C States Act, 1951 was repealed after the enactment of the Constitution (Seventh Amendment) Act, 1956, but the making of such a law in respect of some of the Union Territories was envisaged by the Constitution (Fourteenth Amendment) Act, 1962 by insertion of Article 239-A. It was proposed to create Legislatures and Council of Ministers in the Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry broadly on the same pattern of the scheme which was in force in some of the Part C States before the reorganisation of the States. Article 239-A conferred legislative power on the Parliament to enact laws for this purpose. The Government of Union Territories Act, 1963 was enacted to provide for Legislative Assemblies and Councils of Ministers for the Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry. Section 3 provides for the Legislative Assemblies for these Union Territories and their composition. Section 4 lays down the qualification for membership of Legislative Assembly. Duration of Legislative Assemblies is provided in Section 5. Provisions are contained for the sessions of the Legislative Assembly, prorogation and dissolution. Speaker and Deputy Speaker of Legislative Assembly, right of Administrator to address and send messages to Legislative Assembly, rights of Ministers to speak in, and otherwise take part in the proceedings of the Legislative Assembly, disqualifications for membership etc. Section 18 provides that subject to the provisions of that Act, the Legislative Assembly of a Union Territory may make laws for the whole or any part of the Union Territory with respect to any of the matters enumerated in the State list or the concurrent list in the Seventh Schedule to the Constitution in so far as such matter is applicable in relation to Union Territories. Section 44 provides that there shall be a Council of Ministers in each Union Territory with the Chief Minister at the head to aid and advise the administrator in exercise of his functions in relation to matters with respect to which the Legislative Assembly of the Union Territory has power to make laws except in so far as he is required by or under that Act to act in his discretion or by or under any law to exercise any judicial or quasi-judicial functions. Under Section 45, the Chief Minister is to be appointed by the President and the other Ministers are to be appointed by the President on the advice of the Chief Minister. The Ministers hold office during the pleasure of the President. The Council of Ministers are collectively responsible to the Legislative Assembly of the Union Territory. Before a Minister enters upon his office, the Administrator is to administer to him the oath of office and secrecy according to the forms set out for the purpose in the First Schedule. A Minister who for any period of six consecutive months is not member of the Legislative Assembly of the Union Territory, ceases to be the Minister at the expiration of that period. The salaries and allowances of the Ministers are such as the Assembly may from time to time by law determine and unless the Legislative Assembly so determines, are to be determined by the Administrator with the approval of the President. Under Section 46, the President has to make rules for the allocation of business to the Ministers and for the more convenient transaction of business with the Ministers. These provisions in the Government of Union Territories Act, 1963 are substantially in pari materia with the provisions of the discharge of the executive functions by the Council of Ministers in the States. I have noticed the above provisions of the Constitution and the Government of the Union Territories Act, 1963 as detailed reference was made by the Counsel for the parties. The counsel for the petitioner read them for

the purposes of contrast with the provisions of the Admn. Act. The counsel for the respondent urged them as identical in material provisions or substantially similar.

Delhi was constituted a Chief Commissioner's Province in 1912, when the capital of India was transferred to this place from Calcutta. It was continued as a Chief Commissioner's Province by the Government of India Act, 1935. The Constitution of India made it a Part C State. The special feature of Part C States under the Constitution was that they by virtue of Article 239 were administered by the President through a Chief Commissioner or a Lt. Governor. Parliament had legislative power relating to any subject, as regards the Part C States, but the Constitution empowered Parliament to create a Legislature as well as a Council of Advisors or Ministers, for a Part C State. In exercise of that power, Parliament enacted the Government of Part C States Act, 1951. A Council of Advisors or Ministers was set up in each Part C State, to advise the Chief Commissioner, under the overall control of the President, and also a Legislative Assembly to function as the Legislature of the State. The Constitution (Seventh Amendment) Act, 1956 included Delhi in the List of Union Territories. The Administration of Delhi was being carried on through an Administrator of Delhi appointed by the President under Article 239. A Bill was introduced in Parliament with a statement of objects and reasons that “this will have been brought forward with the object of providing for a larger measure of association of the representatives of the people of the Union Territory of Delhi with the administration of the territory. It seeks to establish a Metropolitan Council for the entire territory and also an Executive Council to assist and advise the Administrator of the territory.” Parliament, therefore, made an Act to provide for the administration of the Union Territory of Delhi and for matters connected therewith and called it the Delhi Administration Act, 1966 (Act No. 19 of 1966) (for short called the Admn. Act). The Admn. Act received the assent of the President on June 2, 1966. Section 3 provides for the Constitution of a Metropolitan Council for Delhi. The total number of seats in the Metropolitan Council to be filled by persons chosen by direct election from territorial constituencies are 56. The Central Government is also empowered to nominate not more than 5 persons, not being persons in the service of the Government, to be members of the Metropolitan Council. Reservation of seats for the Scheduled Castes in the Metropolitan Council is also made. Section 4 provides for the delimitation of the constituencies for the purpose of election to the Metropolitan Council. Qualifications for a membership to fill in a seat in the Metropolitan Council are laid down in Section 6 :—

“A person shall not be qualified to be chosen to fill a seat in the Metropolitan Council unless he—

- (a) is an elector for any constituency and makes and subscribes before some person authorised in that behalf by the Election Commission on oath or affirmation according to the form set out for the purpose in the Schedule ;
- (b) is not less than 25 years of age; and
- (c) in the case of constituency reserved for Scheduled Castes, is also a member of any one of those Castes.”

Disqualifications for membership are laid in Section 19 to the following effect :—

- “19(1) A person shall be disqualified for being chosen as and for being, a member of the Metropolitan Council if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under any of the provisions of article 102 or of any law made in pursuance of that article.”
- (2) For the purposes of this section, a person shall not be deemed to hold an office of profit by reason only that he is a member of the Executive Council.
- (3) If any question arises as to whether a member has become disqualified for being such a member under the provisions of Sub-section (1), the question shall be referred for the decision of the President and his decision shall be final.

- (4) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall not according to such opinion.

Section 7 provides that the persons entitled to vote at the election of members shall be the persons entitled, by virtue of the provisions of the Constitution and the Representation of People Act, 1950 to be registered as voters at elections to the House of People. So much of the electoral roll for any Parliamentary Constituency for the time being in force as relates to the areas comprised within a constituency found under Section 4 is deemed to be the electoral roll for that constituency for the purposes of the Admn. Act. A right to vote is given by Section 8 to every person whose name is, for the time being, entered in the electoral roll of a constituency. By force of Section 9, the provisions of Part I and Parts III to XI of the Act and of any rules or orders made thereunder, for the time being in force, are applied in relation to an election to the Metropolitan Council, as they apply in relation to an election to the Legislative Assembly of a State, subject to such modifications as the Central Government may, after consultation with the Election Commission, by order, direct. The duration of the Metropolitan Council, unless sooner dissolved, is for 5 years from the date appointed from its first meeting according to the provisions of Section 10. Elections to the House of the People and to the Legislative Assembly of every State are on the basis of adult suffrage of the citizens and the same is adopted for elections under the Government of Union Territories Act, 1963. The provisions of qualifications and disqualifications laid down in Sections 4 and 14 of the Government of Union Territories Act, 1963 are in part materia with the provision of Sections 6 and 19 of the Admn. Act. Election to the Metropolitan Council is also on the basis of electoral roll for every territorial constituency and in the same manner as in accordance with the provisions of Part I and Parts III to XI of the Act and the rules and orders made thereunder.

Shri Khurana was chosen by direct election from a territorial constituency. In other words, he was returned at the election of 1977 to the Metropolitan Council for Delhi as an elected representative under the provisions of the Admn. Act. The origin of being a member of the Metropolitan Council is the election under the Admn. Act as contrasted to any employment or in service under the Government. The Central Government is also empowered to nominate not more than 5 persons to be members of the Metropolitan Council but the Legislature has laid down a restriction that those persons should not be in the service of the Government. The policy of the law is to keep Government servants aloof from politics. The necessary inference is that the members of Metropolitan Council will delve into politics. A Government servant by virtue of his being an holder of office of profit is ineligible to seek election to the Metropolitan Council for Delhi and for similar considerations the legislature has prohibited his nomination to be a member of the Metropolitan Council.

Section 27 of the Admn. Act provides that there shall be an Executive Council, consisting of not more than four members. One of whom shall be designated as the Chief Executive Councillor and others as the Executive Councillors, to assist and advice the Administrator in the exercise of his functions in relation to matters enumerated in the State list or the concurrent list, except in so far as he is required by or under the Admn. Act to exercise his functions or any of them in his discretion or by or under any law to exercise any judicial or quasi-judicial functions. The functions of the Metropolitan Council are laid down in Section 22 reading as follows :—

"22(1) Subject to the provisions of this Act, the Metropolitan Council shall have the right to discuss, and make recommendations with respect to, the following matters in so far as they relate to Delhi, namely :—

- (a) Proposals for undertaking legislation with respect to any of the matters enumerated in the State list or the Concurrent list in the Seventh Schedule to the Constitution in so far as any such matter is applicable in relation to Union Territories (hereinafter referred to as the State List and the Concurrent List);

- (b) proposals for extension to Delhi of any enactment in force in a state relatable to any matter enumerated in the State List or the Concurrent List;
- (c) proposals for legislation referred to it by the Administrator with respect to any of the matters enumerated in the State List or the Concurrent List;
- (d) the estimated receipts and expenditure pertaining to Delhi to be credited to and to be made from, the Consolidated Fund of India; and notwithstanding anything contained in the Delhi Development Act, 1951, the estimated receipts and expenditure of the Delhi Development Authority ;
- (e) matters of administration involving general policy and schemes of development in so far as they relate to matters enumerated in the State List or the Concurrent List;
- (f) any other matter referred to it by the Administrator.
- (2) The recommendations of the Metropolitan Council, after having been duly considered by the Executive Council, shall, wherever necessary, be forwarded by the Administrator to the Central Government with the views, if any, expressed thereon by the Executive Council."

By force of Section 15 of the Admn. Act, every member of the Executive Council has the right to speak in, and otherwise take part in the proceedings of the Metropolitan Council, and any Committee of the Metropolitan Council of which he may be a member, but cannot by virtue of that Section be entitled to vote.

Under our Constitution there is a responsible system of Government both at the Centre and in the States. The Government of Union Territories Act, 1963 provides for Legislative Assemblies and Council of Ministers for the said Union Territories. In every State and the Union Territory covered by the Government of Union Territories Act, 1963, there is a Council of Ministers with the Chief Minister at the head to aid and advice the Governor/Administrator in the exercise of his functions. The leader of the party which commands the majority in the Legislative Assembly is entrusted with the task of forming the Government and the Ministers are chosen from the party. When the Chief Minister and other Ministers occupy the positions, they form political part of the Government. In their capacity as leaders of the political party, they have to explain the policies and programmes which they seek to enforce.

Under the Admn. Act a person has first to be chosen by direct election from the territorial constituencies or be nominated by the Central Government to be a member of the Metropolitan Council. A member can be appointed as the Chief Executive Councillor or Executive Councillor by the President only if he commands or is expected to command the majority of the members of the Metropolitan Council. There is no such statutory provision but is an established convention in democracy. The last three elections to the Metropolitan Council adhered to this convention. As in the case of Ministers in the State or the said Union Territories, a member of the Executive Council who for any period of six consecutive months is not a member of the Metropolitan Council, ceases to be a member at the expiration of the period of six months (Section 28(4)), in other words, the Executive Councillor has to get himself elected or nominated as a member within six months of his appointment; otherwise he will have to vacate his office. The essential qualification has to be acquired within six months. The intention of the Parliament is clear that a member of the Executive Council who is not a member of the Metropolitan Council could be chosen by direct election from one of the territorial constituencies within a period of six months. If an Executive Councillor is considered to be a person in the service of the Government, then he cannot take part in politics and elections. The Central Civil Services (Conduct) Rules, 1964 prohibit it in case of Government servants. Participation of Government servants in political activities is not allowed. In that case the Executive Councillor will not be in a position to canvass or take part in



the elections. The Legislature could not have intended such an anomalous situation. A person in the service of the Government cannot also be nominated by the Central Government. With the result that a person who is not already a member of the Metropolitan Council and is appointed as an Executive Councillor has to vacate the seat after six months. In that case the provisions of Section 28(4) of the Admn. Act are meaningless. It cannot be imputed to the legislature that a provision would be made which cannot be worked out.

The Executive Councillors as also the members of the Metropolitan Council constitute an integral part of Legislative proposals. The recommendations are made by the Metropolitan Council on matters relating to legislation in Delhi. Under Article 246(4) of the Constitution, Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that such matter is a matter enumerated in the State list. In exercise of this power Parliament is not fettered by anything in the entries in the State list or anything following therefrom. No Legislature is created for Delhi and hence all laws are passed by Parliament. The functions of the Metropolitan Council are limited to making proposals for undertaking legislation or for extension to Delhi of any enactment in force in a State. It is not a complete association of the people of Delhi in the legislative activity, which is possessed by Parliament. But that is so in case of other Union Territories even after a Legislature is created for a Union Territory. Parliament still possesses paramount power to legislate with respect to any matter included in List II, for the Union Territories. The Legislature of a Union Territory has no exclusive power with respect to List II as the legislatures of the States possess. There is thus no appreciable difference in the legislative functions of the Executive Councillors vis-a-vis Ministers in the Union Territory having Legislature.

The Executive Councillors also exercise the powers in matters of administration involving general policy and schemes of development. The Executive Councillors assist and advise the Administrator in the exercise of his functions in relation to matters enumerated in the State list or concurrent list except for certain excepted matters. The function of the Executive Councillors is primarily advisory. Section 29 of the Admn. Act provides for the conduct of business. The President makes rules for the allocation of Business to the members of the Executive Council in so far as it is not business with respect to which the administrator is required by or under the Admn. Act to act in his discretion. Any decision taken by the Executive Councillors under the rules of business would be the decision of the Administration. The Executive functions discharged under the allocation of business by the Executive Councillors would be the executive action of the Administrator. This power to discharge the functions by the Executive Councillors is akin to the one enjoyed by the Ministers in the States. The Executive Councillors constitute the political part of the Government and vacate office with the Government. The tenure of the Executive Councillors is dependent on the fluctuations of the political wing of the Government. A person who himself is a limb of the political part of the Government or exercising the executive power cannot, even by stretching the language of Section 127(1) of the Act to a breaking point, be regarded as in the service of the Government.

It is next argued by Shri A. K. Sen that Shri Khurana was in the service of the Government at the relevant time as he accepted the appointment as Executive Councillor and subjected himself at all times to the lawful orders and directions of the Government in respect of his duties and functions as an Executive Councillor. Reliance is placed on Section 30 of the Admn. Act which provides that notwithstanding anything in the Admn. Act, the Administrator and the members of the Executive Council shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by the President. According to the counsel, the President which means the Government, is entitled in law to give orders to the Executive Councillor and have it obeyed. Thus the relationship of master and servant comes into existence by the Government having the control of the work done by

the Executive Councillor. Reliance is placed on para 872 of Halsbury's laws of England, Third Edition Vol. 25 reading :—

"872. The contract of service. The relationship of master and servant is characterised by a contract of service, express or implied between the master and the servant. A contract of service is one in which a person undertakes to serve another and to obey his reasonable orders within the scope of the duty undertaken. Whether or not a particular contract is a contract of service is a question of fact, depending upon the terms of the engagement, the method of remuneration, and the power of controlling and dismissing the worker, although none of these factors is by itself conclusive. A contract of service must be distinguished from a contract for services.

The distinction between a servant and an independent contractor is considered hereafter. The distinction between a service occupancy and a tenancy of premises is considered elsewhere in this work.

Reliance is next placed on "D. C. Works Ltd. V. State Saurashtra and others", A.I.R. 1957 S.C. 264, wherein it was held :—

"The principles according to which the relationship as between employer and employee or master and servant has got to be determined are well settled. The test which is uniformly applied in order to determine the relationship is the existence of a right of control in respect of the manner in which the work is to be done. A distinction is also drawn between a contract for services and a contract of service and that distinction is put in this way "In the one case the master can order or require what is to be done but how itself it shall be done". [or Hilbery j. in Collins V. Hertfordshire Country Council, 1947 KB 598 at p. 615(A)].

\* \* \* \*

"The principle which emerges from these authorities is that the prima facie test for the determination of the relationship between master and servant is the existence of the right in the master to supervise and control the work done by the servant not only in the master of directing what work the servant is to do but also the manner in which he shall do his work, or to borrow the words of Lord Uthwatt at page 23 in Mersey Docks and Harbour Board V. Coggins & Griffith (Liverpool) Ltd., 1947-1 AC 1, at p. 23(E), "The proper test is whether or not the hirer had authority to control the manner of execution of the act in question.

Reliance is further placed on "Harish Chandra Bajpai and another V. Triloki Singh and another, A.I.R. 1957 S.C. 444 wherein it was held that there is in law a well-established distinction between a contract for service and a contract of service. In one case the master can order or require what is to be done while in the other case he cannot only order or require what is to be done but now it shall be done. Reference is also made to "Goolbai Motabai V. Pastonji", A.I.R. 1935 Bombay 333 and "Ram Phal Raghu Nath Sahai V. Braham Parkash", A.I.R. 1962 Pb. 129 (but the law is not advanced in those cases). Reliance is lastly placed on "Kishore Chandra De Bhanj V. Baghunath Misra", 19 F.L.R. 1 where their Lordship of the Supreme Court laid down the distinction between serving under the Government and in the service of the Government in these words :—

"In our opinion, there is a distinction between "serving under the Government" and "in the service of the Government," because while one may serve under a Government, one may not necessarily be in the service of the Government; under the latter expression one not only serves under the Government but is in the service of the Government and it imports the relationship of master and servant. There are, according to Batt (on the law of Master and Servant), two essentials to this relationship :



(1) the servant must be under the duty of rendering personal services to the master or to others in his behalf, and (2) the master must have the right to control the servant's work either personally or by another servant or agent and, according to him, "It is his right of control or interference, of being entitled to tell the servant when to work (within the hours of service) or when not to work, and what work to do and how to do it (within the terms of such service) which is the dominant characteristic in this relation and marks off the servant from an independent contractor, or from one employed merely to give to his employer's control in doing the work or effecting the service; he has to shape and manage his work so as to give the result he has contracted to effect .....

Reference is also made to "Maulana Abdul Shakur V. Rikab Chand and another", 1958 S.C.R. 387; "Guru Gobinda Basu V. Shankari Prasad Ghosal and others", 1964(4) S.C.R. 311 and "Madhukar G. F. Pankaker V. Jaswant Choubildas Rajani & Others", 1976(3) S.C.R. 832. In all those cases, the question considered was whether the concerned person was holding an office of profit under the Government. The factors which are decisive in such a case are the power of the Government to appoint a person to an office of profit or to continue him in that office or revoke his appointment at their discretion and payment from out of Government revenues. But for holding an office of profit under the Government, one need not be in the service of the Government and there need be no relationship of master and servant between them. There is a vast difference between the holder of an office of profit under the Government and the holder of a post of service under the Government.

There is no dispute to the test laid down by the supreme Court in determining the relationship of master and servant or one as being in the service of the Government. It is the right to control the manner in which that person does his work that makes the person subordinate, as being in service. Another important factor is that the person must be under the duty of rendering personal services to the master or to others on his behalf. The provisions of the Admn. Act do not lay down the manner in which the work of assisting or tendering advice to the Administrator by the Executive Councillors can be controlled, regulated or supervised by the Government. The President has made rules for the allocation of business to the members of the Executive Council in so far as it is not the business with respect to which the Administrator is required by or under the Admn. Act to act in his discretion and for the more convenient transactions of business with respect to which the Administrator is required by or under the Admn. Act to act in his discretion and for the more convenient transactions of business with the members of the Executive Council. The business is transacted by the Executive Councillors without there being any direct control or supervision of the Government in regard to the manner or method of transacting the business. The rules do not spell out any direct control. Section 30 of the Admn. Act speaks of the general control and not direct control. The general control cannot give the right to control the manner in which the Executive Councillors do their work or discharge their functions. The provisions of the Admn. Act also do not lay down how the functions of the Metropolitan Council in regard to the legislative proposals or in relation to matters of administration involving general policies and schemes of development in so far as they relate to matters enumerated in the State list or the concurrent list are to be discharged. Subject to the Rules regulating the procedure of Metropolitan Council, a member has a right to ask questions on any matters in so far as it falls within the purview of Metropolitan Council under sub-section (1) of Section 22 of the Admn. Act. The Admn. Act does not contain any provisions as to how that is to be regulated. Every member of the Executive Council has a right to speak in, and otherwise to take part in the proceedings of the Metropolitan Council, and any Committee of the Metropolitan Council of which he may be named as a member. There is no administrative control of the Government in the exercise of the right of the Executive Councillors. No oral evidence has been laid in this case to show the manner or method of the control of the functions or work. A person in the service of the Government has a reference of the

person in respect of whom the Executive control is vested in the Government. The absence of the right of the Government to directly supervise and control the work is because the Executive Councillors are master of themselves and are not in the service of the Government.

Bhagwati, J. who spoke for the Supreme Court in *Lakshminarayan Ram Gopal and Son Ltd. V. The Government of Hyderabad*, 1955(1) S.C.R. 393, quoted with approval the distinction between a servant and agent indicated in Powell's law of agency and Halsbury as follows :—

"The distinction between a servant and an agent is thus indicated in Powell's Law of Agency, at page 16 :—

- (a) Generally a master can tell his servant what to do and how to do it.
  - (b) Generally a principal cannot tell his agent how to carry out his instructions.
  - (c) A servant is under more complete control than an agent,
- and also at page 20 :—
- (a) Generally, a servant is a person who not only receives instructions from his master but is subject to his master's right to control the manner in which he carries out those instructions. An agent receives his principal's instructions but is generally free to carry out those instructions according to his own discretion.
  - (b) Generally, a servant, qua servant, has no authority to make contracts on behalf of his master. Generally, the purpose of employing an agent is to authorise him to make contracts on behalf of his principal.
  - (c) Generally, an agent is paid by commission upon effecting the result which he has been instructed by his principal to achieve. Generally, a servant is paid by wages or salary.

The statement of the law contained in Halsbury's Laws of England—Hailsham Edition—Volume 1, at page 193, article 345 where the positions of an agent, a servant and independent contractor are thus distinguished :—

"An agent is to be distinguished on the one hand from a servant, and on the other from an independent contractor. A servant acts under the direct control and supervision of his master, and is bound to conform to all reasonable orders given him in the course of his work; an independent contractor, on the other hand, is entirely independent of any control or interference and merely undertakes to produce a specified result, employing his own means to produce that result. An agent, though bound to exercise his authority in accordance with all lawful instructions which may be given to him from time to time by his principal, is not subject in its exercise to the direct control or supervision of the principal. An agent, as such is not a servant, but a servant is generally for some purposes his master's implied agent, the extent of the agency depending upon the duties or position of the servant."

Applying these principles it was held that the appellants there were to act as the agents of the Company and not on the general management of the business of the Company subject to the control and supervision of the Directors. That does not, however, mean that they acted under the direct control and supervision of the Directors in regard to the manner and method of their work. The control and supervision of the Directors was a general control and supervision and within the limits of their authority the appellants there as agents of the company had perfect discretion as to how that work of general management was to be done both in regard to the method and the manner of such work.

The Government of Union Territories Act, 1963 lays down in Section 50 that "notwithstanding anything contained in this Act, the Administrator and his Council of Ministers shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given, by the President". The language of Section 30 is identical except instead of 'Council of Ministers' the words are the members of the Executive Council". It is not suggested by the counsel for the petitioner that the Ministers in the said Union Territories by virtue of Section 50 become persons in the service of the Government. The absence of a direct control and supervision in regard to the manner or method of the discharge of the functions or work is the decisive factor in the case of Ministers in the said Union Territories. The same "applies equally to the Executive Councillors under the Admn Act".

It is further urged by the counsel for the petitioner that under Section 27 of the Admn. Act, the Executive Councillors are to assist and advise the Administrator in the exercise of his functions unlike the Council of Ministers with the Prime Minister at the head to aid and advise the President in exercise of his functions (Article 74), or the Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions (Article 163), or the Council of Ministers in each Union Territory with the Chief Minister at the head to aid and advise the Administrator in the exercise of his functions (Section 44 of the Government of Union Territory of India, 1963). Reference is also made to Section 9 of the Government of India Act, 1935 wherein it was similarly provided that there shall be a Council of Ministers, not exceeding 10 in number, to aid and advise the Governor-General in the exercise of his functions. It was contrasted to Section 11 of the Government of India Act, 1935 which made provisions as to defence, ecclesiastical affairs, external affairs and the tribal areas and being assisted in the exercise of those functions by Councillors. According to the counsel, to aid is between two equals and to assist is between a subordinate and superiors and thus assisting the Administrator in the exercise of his functions by an Executive Councillor contained an element of to make him in the service of the Government, subordination. Reliance is placed on Craies on Statute Law that "if we find that in previous legislation two different works have been designedly used to express two distinct things, we may assume that in subsequent statutes the legislature has not lost sight of the distinction uniformly observed in the preceding statutes".

The words 'to aid and advise' or 'to assist and advise' are not defined either in the constitution or in the Government of Union Territories Act or in the Admn. Act. In Webster's Third New International Dictionary, 'aid' means to give help or support to; to facilitate; to assist. 'To assist' means to give support or aid. In Shorter Oxford English Dictionary, "to aid" means to give support to; to help, assist, succor. "To assist" means to aid, help; to second, to succor, to promote. In common parlance there is no real difference between 'to aid' or 'to assist' and both are inter-changeable words. The framers of our Constitution made the President a constitutional and formal head of the executive and by using the words 'to aid and advise' directed to make him act with the advice of the Council of Ministers'. By the use of the words to aid and advise, it is made clear that the President though elected would act as a constitutional head only on the advice of the Ministers. The real executive powers are vested in the Ministers or the Cabinet Ministers. Under Section 27 of the Admn. Act, the Administrator is not bound to accept the assistance and advice rendered to the Administrator as the proviso suggests that in case of difference of opinion between the Administrator and the members of the Executive Council on any matters, the Administrator shall refer it to the President for decision and act according to the decision given thereon by the President. In that sense there is thus difference of the acceptance of the advice in all cases. From that it does not of necessity follow that an Executive Councillor is in the service of the Government

Reliance is also placed on the provisions of Section 28 of the Admn. Act that the members of the Executive Council are appointed by the President, that the members of the Executive Council hold office during the pleasure of the President and that the salaries and allowances of the members of the Executive Council are such as the President

may, by order determine. The appointment of Shri Khurana was made by the Vice-President acting as President on June 24, 1977 by notification of the same date (Ex. P5). The President also made the order called the Executive Councillors (Salaries and Allowances) Order, 1966 (Ex. P-4). According to the counsel for the petitioner, all these factors do suggest that the Executive Councillors are in the service of the Government. It is true that the Executive Councillor is appointed by the President and that he holds office during the pleasure of the President, but that by itself will not make the Executive Councillor in the service of the Government. The constitutional functionaries and the holders of high constitutional offices exercising State powers are not employees or servants or holders of employment under the Government, yet all of them are appointed by the President. The Governors, Judges of the Supreme Court and High Court, the Comptroller and Auditor General of India and the Chief Election Commissioner are all appointed by the President. They cannot be regarded as subordinate to the Government of India. They are only subordinate to the provisions of the Constitution. The appointment of the said constitutional functionaries by the President which means in fact and in substance the Government of India, is only a mode of appointment. The Prime Minister and other Ministers are also appointed by the President and they hold office during the pleasure of the President, yet no one has suggested that they are in the service of the Government on that account. The salaries and allowances are paid to the Executive Councillors by the Government out of the consolidated fund of India not because the Government is the Master. The salaries and allowances are paid to the Executive Councillors under the statutory mandate contained in Section 28(5) of the Admn. Act and the Presidential order issued and not because they are regarded as Government servant. The members of the Parliament and State Legislatures are paid their salaries and allowances, yet no one ever suggested that they be regarded as in the service on that account. Payment of emoluments from the State fund to the Executive Councillors also does not make them in the service of the Government.

Before a member of the Executive Council enters upon his office, the Administrator is to administer him the oath of office and secrecy according to the form set out for the purpose in the Schedule to the Admn. Act (Section 28(3)). Similarly, under Section 45(4) of the Government of Union Territories Act, 1953, before a Minister enters upon his office, the Administrator has to administer to him the oath of office and of secrecy according to the forms set out for the purpose in the First Schedule. The language in the two forms is substantially the same in material particulars. Similar is the position in case of Prime Minister and other Ministers 75(4) and Article 164(3). Oath of office is also administered to the functionaries under the Constitution. The administration of the oath of office conflicts with a person being in the service of the Government. The Government servants are not administered any oath of office.

A person serving under the Government is not synonymous with the Government servant and there is an essential difference between them. Being conscious of it, I may say that the Government servants are persons who are appointed by the Government to any civil service or post in connection with the affairs of the Union. Part XIV of the Constitution of India provides for the services under the Union and the State. Then there are rules relating to posting, transfer, conduct, discipline with power of suspension and dismissal, pension and gratuity. None of them are shown or argued as being applicable to the Executive Councillors. Article 16 of the Constitution lays down the equality of opportunity in the matters of public employment. The appointment of an Executive Councillor by the President under Section 28(1) of the Admn. Act in case of an appointment to an office under the State, would attract Article 16 cannot be suggested that the people of the Delhi or even the limited number of the members of the Metropolitan Council can claim as a matter of right for being considered for appointment as an Executive Councillor.

The expression "Gazetted officer" has not been defined in the Act or elsewhere. Counsel for the respondent relied upon India Gazette Extraordinary Dated October 27, 1956 in which the judgment of Election Tribunal, Bangalore is

published pointing out the difference between a "Gazetted Officer" and a "non-gazetted officer" as follows :—

1. The appointment of a gazetted officer is always published in the gazette.
2. A gazetted officer can draw his salary and allowance, on his own bill signed by him.
3. The record of services of each gazetted officer is maintained by the audit office.
4. The powers and privileges of gazetted officers are also enumerated in the Financial Code, the Service Regulations, and the Service Conduct Rules and other Rules.

I am not inclined to go into this question in view of my finding that Shri Khurana is not a person in the service of the Government.

The Admn. Act was enacted with the object of providing a large measure of association of the representative of the people of the Union Territory of Delhi with the administration of the territory. It sought to establish a Metropolitan Council for the entire territory and also an Executive Council to assist and advise the Administrator of the Territory. Shri Khurana was returned at the election of 1977 to the Metropolitan Council as an elected representative under the provisions of the Admn. Act. The origin of being a member of the Metropolitan Council is the election under the Admn. Act as contrasted to any employment or in service Under the Government. A member can be appointed as the Chief Executive Councillor or Executive Councillor by the President only if he commands or is expected to command the majority of the members of Metropolitan Council, when appointed as Executive Councillors, they occupy dual capacity. The Executive Councillors constitute the political part of the Government and vacate office with the Government. A person who himself is a limb of the political part of the Government or exercising executive power cannot, even by stretching the language of Section 127(1) of the Act to a breaking point, be regarded as in the service of the Government. The provisions of the Admn. Act do not lay down the manner in which the work of assisting or tendering advice to the Administrator by the Executive Councillors can be controlled, regulated or supervised by the Government. The absence of the right of the Government to directly supervise and control the work is because the Executive Councillors are members of themselves. The appointment of the Executive Councillors by the President is only a mode of appointment and cannot be regarded as in service of the Government on that account. Payment of emoluments from the State fund to the Executive Councillors also does not make them in the service of the Government. The administration of the oath of office to the Executive Councillor conflicts with a person being in the service of the Government. The conclusion is inescapable that Shri Khurana was not in the service of the Government at the relevant time. Issue No. 7 is held against the petitioner.

RELIEF :

In view of my finding on issue No. 7, the election petition fails and is dismissed with costs. Counsel's fee Rs. 1,000.

May 23, 1980.

Sd/-

S. S. CHADHA, Judge.

[सं 82/दिल्ली-बो० सं० 1/80]

प्रे० गणेश्वर, सचिव

New Delhi, the 9th September, 1980

**S.O. 2491.**—In pursuance of clause (b) of sub-section (2) of section 116C of the Representation of the People Act, 1951, the Election Commission hereby publishes the decision of the Supreme Court of India dated 12th August, 1980 on an Civil appeal No. 1547 (NCE) of 1978 filed against the Judgment of the High Court of Kerala dated 4th July, 1980.

[No. 82/KJ-HP/6/77]

By Order.

K. GANESAN, Secy.

# IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

Civil Appeal No. 1547(NCE)/78

M. Kamalam Jayathi

....Appellant

Vs.

Dr. D. A. Syed Mohammed

.....Respondent.

### ORDER

The appeal is dismissed for non-prosecution with no order as to costs.

(V. R. Krishna Iyer)

Sd/-----

Sd/-----

(O. Chinnappa Reddy)

New Delhi.

August 12, 1980.

आदेश

नई दिल्ली, 18 अगस्त, 1980

का० आ० 2492.—यहां, निर्वाचन आयोग का समाधान हो गया है कि जवरी, 1680 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 5-फिलौर (अ०जा०) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अजीत सिंह, गांव बाडाला कला पी० आ० बाबा बकाला, जिला अमृतसर, पंजाब लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यहां उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस अपेक्षा के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस अपेक्षा के लिए कोई यथोक्त कारण या न्यायोचित नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसूच में निर्वाचन क्षेत्रों एतद्वारा उक्त श्री अजीत सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने की रीति होने के लिए इन आदेश को तारीख से तीन वर्ष की कालवधि के लिए निरहिता घोषित करता है।

[सं० पंजाब-बो० सं० 5/80]

### ORDER

New Delhi, the 18th August, 1980

**S.O. 2492.**—Whereas the Election Commission is satisfied that Shri Ajit Singh, Village Wadala Kalan, P.O. Baba Bakala, District Amritsar (Punjab), a contesting candidate for general election to the House of the People held in January, 1980 from 5-Phillaur (SC) Parliamentary Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ajit Singh to be disqualified for being chosen, as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-HP/5/80]

## आदेश

का० आ० 2493.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 9-लुधियाना निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जनमेजा सिंह, मकान नं० 21-सी, गुरदेव नगर, लुधियाना, पंजाब लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापकित्व नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री जनमेजा सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० पंजाब-लो० सं०/9/80(3)]

## ORDER

**S.O. 2493.**—Whereas the Election Commission is satisfied that Shri Janmeja Singh, House No. 21-C, Gurdev Nagar, Ludhiana (Punjab), a contesting candidate for general election to the House of the People held in January, 1980 from 9-Ludhiana Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Janmeja Singh to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order

[No. PB-HP/9/80(3)]

## आदेश

का० आ० 2494.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 9-लुधियाना निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कुलदीप सिंह भुधिराजा, मकान नं० 9-619, शत्रुघ्न आवासीय, लुधियाना, पंजाब लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण व्यापकित्व नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री कुलदीप सिंह भुधिराजा, को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० पंजाब-लो० सं०/9/80(2)]

## ORDER

**S.O. 2494.**—Whereas the Election Commission is satisfied that Shri Kuldip Singh Budhi Raja, House No. B-9-619, Shutter Abata, Ludhiana (Punjab), a contesting candidate for general election to the House of the People held in January, 1980 from 9-Ludhiana Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Kuldip Singh Budhi Raja to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-HP/9/80(2)]

## आदेश

नई दिल्ली, 5 सितम्बर, 1980

का० आ० 2495.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 8-पटियाला निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री तेजा सिंह, 57-डी, मॉडल टाऊन पटियाला (पंजाब) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार को निर्वाचनों का संचालन, नियम 1961 के नियम 89(5) के अधीन, उनके द्वारा दिए गए पते पर भी सम्यक् सूचना उन पर तामाच न की जा सकी क्योंकि उनके ठौर-ठिकाने का पता नहीं है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापकित्व नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री तेजा सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० पंजाब-लो० सं०/8/80]

## आदेश से,

अ० कु० चटर्जी, अवर सचिव

New Delhi, the 5th September, 1980

## ORDER

**S.O. 2495.**—Whereas the Election Commission is satisfied that Shri Teja Singh, 57-D, Model Town, Patiala (Punjab), a candidate for general election to the House of the People held in January, 1980, from 8-Patiala constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the notice issued to the said candidate under rule 89(5) of the Conduct of Elections Rules, 1961, could not be served on him at the above address given by him as his whereabouts are not known and the Election Commission is satisfied that there is no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri

Teja Singh, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-HP/8/80]

By Order,

A. K. CHATTERJEE, Under Secy.

आदेश

नई दिल्ली, 21 अगस्त, 1980

का० आ० 2496.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 36-विशुनपुर (ज० जा०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री आश्विनी कुमार मल्लिक, ग्राम व पोस्ट रानीबन्ध जिला बंकुरा, पश्चिम बंगाल लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यत्, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री आश्विनी कुमार मल्लिक को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० पश्चिम बंगाल—लो० सं०/36/80]

ORDER

New Delhi, the 21st August, 1980

S.O. 2496.—Whereas the Election Commission is satisfied that Shri Aswini Kumar Mallik, Village and P.O. Ranibandh, Dist. Bankura, West Bengal, a contesting candidate for general election to the House of the People from 36-Vishnupur (SC) Parliamentary constituency, held in January, 1980, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Aswini Kumar Mallik, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WP/HP/36/80]

आदेश

नई दिल्ली, 23 अगस्त, 1980

का० आ० 2497.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 14 बर्मीरहाट निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अलहाज मो० अब्दुल सालम, ग्राम व पोस्ट आ० नेहालपुर, जिला 24 पारगना पश्चिम बंगाल लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ।

और यत्, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अलहाज मो० अब्दुल सालम को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० पश्चिम बंगाल—लो० सं०/14/80]

ORDER

New Delhi, the 23rd August, 1980

S.O. 2497.—Whereas the Election Commission is satisfied that Shri Alhaj Md. Abdus Salam, Vill. and P.O. Neahapur, District 24-Parganas, West Bengal a contesting candidate for general election to the House of the People from 14-Basirhat Parliamentary constituency, held in January, 1980, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Alhaj Md. Abdus Salam, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-HP/14/80]

आदेश

नई दिल्ली, 28 अगस्त, 1980

का० आ० 2498.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 21-कलकत्ता उत्तर पश्चिम निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शेव प्रसाद गुप्ता, 51-नेता जी सुभाष रोड, कलकत्ता-1 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ।

और यत्, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है ।

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री शेव प्रसाद गुप्ता को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० पश्चिम बंगाल—लो० सं०/21/80]

आदेश से,

एम० एल० खन्ना, अवसर सचिव

## ORDER

New Delhi, the 28th August, 1980

**S.O. 2498.**—Whereas the Election Commission is satisfied that Shri Shew Prasad Gupta, 91 Netaji Subhas Road, Calcutta-1 a contesting candidate for general election to the House of the People held in January, 1980 from 21-Calcutta North West Parliamentary Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Shew Prasad Gupta, to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-HP/21/80]

By order,

M. L. CHANDA, Under Secy.

## शुद्धि-पत्र

नई दिल्ली, 22 अगस्त, 1980

का० आ० 2498.—भारत के राजपत्र, भाग 2, खण्ड 3(ii) तारीख 26 अप्रैल, 1980 के पृष्ठ सं० 1148-49 पर एन० आर० ओ० सं० 1068 के रूप में प्रकाशित निर्वाचन आयोग के तारीख 8 अप्रैल, 1980 के आदेश सं० त०ना०-लो०स०/21/77(13) में आदेश के अन्त में प्राप्त "सचिव, भारत निर्वाचन आयोग" शब्दों के स्थान पर श्रवण सचिव, भारत निर्वाचन आयोग।" शब्द रखे जाएंगे।

[त०ना०-लो०स०/21/77]

## CORRIGENDUM

New Delhi, the 22nd August, 1980

**S.O. 2499.**—In the Election Commission's Order No. TN-HP/21/77(13) dated 8th April, 1980, published as SRO No. 1068 at pages 1148-49 of the Gazette of India, part II, Section 3(ii) dated 26th April, 1980 for "Secretary to the Election Commission of India" appearing at the end of the Order, read "Under Secretary to the Election Commission of India".

[No. TN-HP/21/77]

## आदेश

का० आ० 2500.—यतः निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 26-चिक्कोडी (अ०आ०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री दुन्दप्पा दुरगप्पा मुरगोद, पो० ब म० मुन्तानपुर, तालुक रायबाग, कर्नाटक, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण श्रवण स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री दुन्दप्पा दुरगप्पा मुरगोद को सदन के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश को तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० कर्ना०-च०स०/26/80(5)]

## ORDER

**S.O. 2500.**—Whereas the Election Commission is satisfied that Shri Dundappa Durgappa Murgod, At and Post Sultanpur Raibag Taluk, Karnataka, a contesting candidate for general election to the House of the People held in January, 1980, from 26-Chikkodi (SC) Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Dundappa Durgappa Murgod to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KT-HP/26/80(5)]

## आदेश

नई दिल्ली, 23 अगस्त, 1980

का० आ० 2501.—यतः निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 41-बोल्पुर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री निर्मल साहा, ग्राम ब पंथ हल्वा बाजार, जिला बोरसूम, प० बंगाल लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण श्रवण स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री निर्मल साहा को सदन के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश को तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० प० बंगाल/लो० सं०/41/80]

## ORDER

New Delhi, the 23rd August, 1980

**S.O. 2501.**—Whereas the Election Commission is satisfied that Shri Nirmal Saha, Village and P.O. Harabazar, District Birbhum, West Bengal, a contesting candidate for general election to the House of the People from 41-Bolpur, Parliamentary constituency, held in January, 1980, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Nirmal Saha, to be disqualified for being chosen as, and for

being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-HP/41/80]

#### आदेश

क्र० अ० 2502.—यतः निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा/प० बंगाल, विधान सभा के लिए उक्त निर्वाचन के लिए 14-मदारीहाट (अ० ज० जा०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मदनदास भगत गोपी शंकर, बाराबाद, पोस्ट आफिस ईथलवारा क्रॉसिंग, जिला जलपाईगुरी प० बंगाल लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इन असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मदनदास भगत को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० प० बंगाल वि० सं०/14/80(उप)]

#### ORDER

S.O. 2502.—Whereas the Election Commission is satisfied that Shri Madandas Bhagat, Village Jogijhora Barbak, P.O. Ethelbare Crossing, District Jalpaiguri, West Bengal a contesting candidate for bye election to the West Bengal Legislative Assembly from 14-Madarihat (ST) Assembly constituency, held in January, 1980, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure:

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Madandas Bhagat, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/14/80(hyc)]

#### आदेश

नई दिल्ली, 25 अगस्त, 1980

क्र० अ० 2503.—यतः निर्वाचन आयोग का समाधान हो गया है कि जनवरी 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 20-दुम डम निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री माहवीर प्रसाद शाव, 41 बी० के० ए० रोड, कलकत्ता-18 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

और यतः, उक्त उम्मीदवार ने सम्यक सूचना दिए जाने पर भी, इन असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इन असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री माहवीर प्रसाद शाव को संसद् के किसी भी

सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० प० बंगाल/ल० सं०/80]

सतीश चन्द्र जैन, अवर सचिव

#### ORDER

New Delhi, the 25th August, 1980

S.O. 2503.—Whereas the Election Commission is satisfied that Shri Sahabir Prasad Shaw, 41-DKD Road, Calcutta-48 a contesting candidate for general election to the House of the People from 20-Dum Dum Parliamentary constituency, held in January, 1980, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure:

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Sahabir Prasad Shaw, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-HP/20/80]

S. C. JAIN, Under Secy.

#### आदेश

नई दिल्ली, 22 अगस्त, 1980

क्र० अ० 2504.—यतः निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 2-बीकानेर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री चेतनराम, ग्राम-अमरसर रामजी बाला, तहसील-रायसिंह नगर, जिला श्री गंगानगर पो०-मोमपुरा (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिये जाने पर भी, इन असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इन असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री चेतन राम को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-ल० सं०/2/80(7)]

#### ORDER

New Delhi, the 22nd August, 1980

S.O. 2504.—Whereas the Election Commission is satisfied that Shri Chetan Ram, Village : Amarsar Ramjiwala, Tehsil-Raisinghnagar, District : Sriganganagar, P. O. Bhompura (Rajasthan), a contesting candidate for general election to the House of the People held in January, 1980, from 2-Bikaner constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure:



Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Chetan Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/2/80(7)]

#### आदेश

क्र० आ० 2505.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 2-बीकानेर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राजेन्द्र तनेजा, बस स्टैंड के पास, सूरत गढ़, जिला-गंगानगर (राजस्थान) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राजेन्द्र तनेजा को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-सो०स०/2/80(8)]

#### ORDER

**S.O. 2505.**—Whereas the Election Commission is satisfied that Shri Rajendra Taneja, Near Bus stand Suratgarh, District : Sri Ganganagar (Rajasthan), a contesting candidate for general election to the House of the People held in January, 1980, from 2-Bikaner constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Rajendra Taneja to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/2/80(8)]

#### आदेश

क्र० आ० 2506.—यतः, निर्वाचन आयोग का समाधान हो या है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 2-बीकानेर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री साहू राम, ग्राम नाहुरवाली, पो० नाहुरवाली, तहसील-अनूपगढ़ जिला-गंगानगर (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री साहू राम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने

जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-सो०स०/2/80(9)]

#### ORDER

**S.O. 2506.**—Whereas the Election Commission is satisfied that Shri Sahi Ram, Village : Naharawali, P. O. Naharawali, Tehsil-Anupgarh, District-Ganganagar, (Rajasthan), a contesting candidate for general election to the House of the People held in January, 1980 from 2-Bikaner constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Sahi Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/2/80(9)]

#### आदेश

नई दिल्ली, 23 अगस्त, 1980

क्र० आ० 2507.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 21-पाली निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बजरंग सिंह, हेमावतों का बास, सोजत के सीटी, जिला पाली (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बजरंग सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-सो०स०/21/80(10)]

#### ORDER

New Delhi, the 23rd August, 1980

**S.O. 2507.**—Whereas the Election Commission is satisfied that Shri Bajrang Singh, Hemavaton Kavas, Sojat City, District : Pali (Rajasthan) a contesting candidate for general election to the House of the People held in January, 1980 from 21-Pali constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bajrang Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/21/80(10)]

## आदेश

क्रा० आ० 2508—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 21-पाली निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार मूलचन्द डागा, 2/482 मकान नं० 20, महावीर बाजार, व्यावर (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घोषित बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यत्, उक्त उम्मीदवार ने, समयक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण न्यायीचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मूलचन्द डागा को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-सो०सं०/21/80(11)]

## ORDER

**S.O. 2508.**—Whereas the Election Commission is satisfied that Shri Mool Chand Daga, 2/482, Makan No. 20 Mahabir Bajar, Beawar (Rajasthan), a contesting candidate for general election to the House of the People held in January, 1980 from 21-Pali constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Mool Chand Daga to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/21/80(11)]

## आदेश

क्रा० आ० 2509.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 21-पाली निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बीजाराम, ग्राम—मिणगारी, नरसील—पाली, जिला पाली, (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घोषित बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और यत्, उक्त उम्मीदवार ने, समयक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण न्यायीचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बीजाराम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-सो०सं०/21/80(12)]

आदेश से,

श्री० ना० नागर, अवर सचिव

## ORDER

**S.O. 2509.**—Whereas the Election Commission is satisfied that Shri Binja Ram, Village Singari, Tehsil-Pali, District: Pali, (Rajasthan) a contesting candidate for general election to the House of the People held in January, 1980 from 21-Pali constituency, has failed to lodge any account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Binja Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/21/80(12)]

By Order,

O. N. NAGAR, Under Secy.

नई दिल्ली 23 अगस्त, 1980

क्रा० आ० 2510.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13-क की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग, दादरा और नागर हवेली संघ राज्य क्षेत्र के प्रशासन के परामर्श से श्री जी० के० भट्टाचार्य के स्थान पर श्री ए० वेन्कटरत्नम, कलक्टर, दादरा और नागर हवेली को उनके कार्यभार सम्भालने की तारीख से अगले आदेशों तक दादरा और नागर हवेली संघ राज्य क्षेत्र के लिए मुख्य निर्वाचन अधिकारी के रूप में एतद्वारा नामनिर्देशित करता है।

[सं० 154/द न 80]

आदेश से,

वी० नागसुब्रमण्यन, सचिव

New Delhi, the 23rd August, 1980

**S.O. 2510.**—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Administration of the Union Territory of Dadra and Nagar Haveli hereby nominates Shri A. Venkataratnam, Collector, Dadra and Nagar Haveli as the Chief Electoral Officer for the Union Territory of Dadra and Nagar Haveli with effect from the date he takes over charge and until further orders vice Shri G. K. Bhattacharya.

[No. 154/DNH/80]

By Order,

V. NAGASUBRAMANIAN, Secy.

## आदेश

नई दिल्ली, 25 अगस्त, 1980

क्रा० आ० 2511.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 12-अजमेर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री धर्मचन्द पालीवाल, 935/32, लक्ष्मण चौक, अलवर रोड, अजमेर, (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घोषित बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यत्, उक्त उम्मीदवार ने, समयक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री धर्मचन्द पालीवाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज० सो० सं०/12/89(13)]

## ORDER

New Delhi, the 25th August, 1980

**S.O. 2511.**—Whereas the Election Commission is satisfied that Shri Dharam Chand Paliwal, 935/32, Laxman Chowk, Alwar Gate, Ajmer (Rajasthan) a contesting candidate for general election to the House of the People held in January, 1980 from 12-Ajmer constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Dharam Chand Paliwal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/12/80(13)]

## आदेश

का० आ० 2512:—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 12-अजमेर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गोपाल, ग्राम व पोस्ट—जालिया-II वाया—विजयनगर, अजमेर (राजस्थान) लोक प्रतिनिधित्व अधिनियम 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यत्, उक्त उम्मीदवार ने, सम्यक् सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गोपाल को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० राज० लो० सं०/12/80(14)]

## ORDER

**S.O. 2512.**—Whereas the Election Commission is satisfied that Shri Gopal, Village and Post Jalia-II, Via Vijyanagar Ajmer (Rajasthan) a contesting candidate for general election to the House of the People held in January, 1980 from 12-Ajmer constituency, has failed to lodge any account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Gopal to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/12/80(14)]

## आदेश

नई दिल्ली, 29 अगस्त, 1980

का० आ० 1513:—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 7-दमोह लोक सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री द्वारका प्रसाद, गांधी चौक वार्ड, सागर, जिला सागर, (मध्य प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यत्, उक्त उम्मीदवार ने, सम्यक् सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री द्वारका प्रसाद को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० म० प्र०-लो० सं०/7/80(2)]

## ORDER

New Delhi, the 29th August, 1980

**S.O. 2513.**—Whereas the Election Commission is satisfied that Shri Dwarka Prasad, Gandhi Chowk Ward, Sagar, District Sagar, (Madhya Pradesh) a contesting candidate for general election to the House of the People held in January, 1980 from 7-Damoh constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Dwarka Prasad to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/7/80(2)]

## आदेश

का० आ० 2514:—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 7-दमोह लोक सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री श्याम बिहारी राममिपाही, टिकुरिया मुहल्ला, पन्ना (मध्य प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ।

और यत्, उक्त उम्मीदवार ने, सम्यक् सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री श्याम बिहारी राममिपाही को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० म० प्र०-लो० सं०/7/80(3)]

## ORDER

## आदेश

**S.O. 2514.**—Whereas the Election Commission is satisfied that Shri Shyambehari Ramsipahi, Tikuria Mohalla, Panna (Madhya Pradesh) a contesting candidate for general election to the House of the People held in January, 1980 from 7-Damoh constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Shyambehari Ramsipahi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/7/80(3)]

## आदेश

**क्र० आ० 2515** :—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 8-अलवर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री ओम प्रकाश, ग्राम टपूकड़ा, तह० तिजारा, जिला अलवर, (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री ओम प्रकाश गुप्ता को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० राज० स० 8/80(15)]

## ORDER

**S.O. 2515.**—Whereas the Election Commission is satisfied that Shri Om Prakash Gupta, Village-Tapukara, Tehsil-Tijara, District; Alwar (Rajasthan), a contesting candidate for general election to the House of the People held in January 1980 from 8-Alwar constituency, has failed to lodge any account of his election expenses in the manner required by the Representation of the people Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Om Prakash Gupta to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/8/80(15)]

**क्र० अ० 2516.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 8-अलवर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कल्याण महाय गुप्ता, ग्राम व पोस्ट धाना, तहसील राजगढ़, जिला अलवर (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन-व्ययों का लेखा दाखिल करने में असफलता रहे हैं ;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री कल्याण महाय गुप्ता को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० राज० स० 8/80(16)]

## ORDER

**S.O. 2516.**—Whereas the Election Commission is satisfied that Shri Kalyan Sahai Gupta, Village and Post-Dhana, Tehsil-Rajgarh, District : Alwar (Rajasthan) a contesting candidate for general election to the House of the People held in January 1980 from 8-ALWAR constituency, has failed to lodge any account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Kalyan Sahai Gupta to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/8/80(16)]

## आदेश

नई दिल्ली, 1 सितम्बर, 1980

**क्र० अ० 2517**—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 18-उदयपुर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बगमल, पिता सूरजमल जैन, पो० मंडावर बाया बरार, तहसील भीम, जिला उदयपुर (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवारों ने, समयक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और

निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री डगडूमल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं राज०-नो०स०/18/80(17)]

#### ORDER

New Delhi, the 1st September, 1980

**S.O. 2517.**—Whereas the Election Commission is satisfied Shri Dagdumal S/o Shri Suraj Mal Jain, Post-Mandwar, Via : Barar, Tehsil-Bhim, District Udaipur (Rajasthan), a contesting candidate for general election to the House of the People held in January, 1980 from 18-Udaipur constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Dagdumal to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/18/80(17)]

#### आदेश

नई दिल्ली, 5 सितम्बर, 1980

**क्र० आ० 2518**—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 21-दुर्ग निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री छोटे लाल, मिश्रा आटा चक्की, राम नगर, कोहका रोड, सपेला (मध्य प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए पर्याप्त कारण न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री छोटे लाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं म० प्र०-नो०स०/21/80(4)]

#### ORDER

New Delhi, the 5th September, 1980

**S.O. 2518.**—Whereas the Election Commission is satisfied that Shri Chhotilal Mishra Flour Mills, Ramnagar, Kohka Road Supela District Durg (Madhya Pradesh), a contesting candidate for general election to the House of the People held in

January, 1980 from 21-Durg constituency, has failed to lodge an account of his election expenses within the manner/within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act the Election Commission hereby declares the said Shri Chhotilal to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/21/80(4)]

#### आदेश

**क्र० आ० 2519**—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 21-दुर्ग निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री प्रेम चन्द्र ग्राम बेरला, पोस्ट बेरला, तहसील—बेमेतरा (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए पर्याप्त कारण न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री प्रेम चन्द्र को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं म० प्र०-नो०स०/21/80(5)]

सी० एल० रोज, अवसर सचिव

#### ORDER

**S.O. 2519.**—Whereas the Election Commission is satisfied that Shri Prem Chandra, Village and Post Berla, Tehsil-Bemetara, District-Durg, (Madhya Pradesh), a contesting candidate for general election to the House of the People held in January, 1980 from 21-Durg constituency, has failed to lodge any account of his election expenses within the manner/within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Prem Chandra to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/21/80(5)]

By Order,

C. L. ROSE, Under Secy.

**विधि, न्याय और कम्पनी कार्य विभाग**

(विधि कार्य विभाग)

सूचना

नई दिल्ली, 3 सितम्बर, 1980

का० शा० 2520—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री जनक लाल अग्रवाल, एडवोकेट बेलन विले रोड दारजिलिंग, वेस्ट बंगाल ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे दारजिलिंग में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं० 5(56)/80 न्या०]

एस० गुप्टु, सक्षम प्राधिकारी

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**

(Department of Legal Affairs)

**NOTICE**

New Delhi, the 3rd September, 1980

S.O. 2520.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956 that application has been made to the said authority, under rule 4 of the said Rules, by Shri Janaklal Aggarwal, Advocate, 7, Balenville Road, Darjeeling, West Bengal, for appointment as a Notary to practise in Darjeeling.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. 5(56)/80-Judl.]

S. GOOPTU, Competent Authority.

नई दिल्ली, 22 सितम्बर, 1980

का० शा० 2521—केन्द्रीय सरकार, वागत और संकर्म अकाउंटेंट विनियम, 1959 के विनियम 20 के खण्ड (ख) के अनुसरण में, भारत सरकार के भूतपूर्व वाणिज्य और उद्योग मंत्रालय (कम्पनी विधि प्रशासन विभाग) की अधिसूचना सं० का० नि० शा० 2118, तारीख 19 सितम्बर 1959 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, क्रम सं० 37 और उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित क्रम सं० और प्रविष्टि अंतः स्थापित की जाएगी, अर्थात् :—

“38 भारतीय स्कूल प्रमाणपत्र परीक्षा नई दिल्ली के लिए परिषद द्वारा संचालित भारतीय स्कूल प्रमाणपत्र परीक्षा (12 वर्ष)।”

[का० सं० 2/17/80-सी० ए० 5]

के० एन० रामचन्द्रन, उप-सचिव

New Delhi, the 22nd September, 1980

S.O. 2521.—In pursuance of clause (B) of regulation 20 of the Cost and Works Accountants Regulations, 1959, the Central Government hereby makes the following amendment in the notification of the Government of India, in the late Ministry of Commerce and Industry (Department of Company Law Administration) No. S.R.O. 2118 dated the 19th September, 1959, namely :—

In the said notification, after serial number 37 and the entry relating thereto, the following serial number and entry shall be inserted, namely :—

“38. Indian School Certificate Examination (12 years) conducted by the Council for the Indian School Certificate Examinations, New Delhi.”

[File No. 2/17/80-C.L. 5]

K.N. RAMCHANDRAN, Dy. Secy.

गृह मंत्रालय

(भारत के महापञ्जीकरण का कार्यालय)

नई दिल्ली, 10 सितम्बर, 1980

का० शा० 2522.—जनगणना अधिनियम 1948, (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार अण्डमान व निकोबार द्वीप समूह प्रशासन के मुख्य सचिव श्री बी० के० सिंह को 1981 की जनगणना के लिए एतद्वारा पदेन जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/98/79-प्रशा०-1]

पी० पद्मनाभ, भारत के महापञ्जीकरण

**MINISTRY OF HOME AFFAIRS**

(Office of the Registrar General, India)

New Delhi, the 10th September, 1980

S.O. 2522.—In exercise of the powers conferred by sub-section (1) of Section 4 of the Census Act, 1948 (No. 37 of 1948), the Central Government hereby appoints Shri B. K. Singh, Chief Secretary to the A & N Islands Administration, as ex-officio Director of Census Operations, A & N Islands for the 1981 Census.

[No. 11/98/79-Ad.1]

P. PADMANABHA, Registrar General, India

विद्युत मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 9 जून, 1980

आय-कर

का० शा० 2523—सर्वसाधारण की जानकारी के लिये अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(iv) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिये अन्य प्राकृतिक या अनुपयुक्त विज्ञापनों के क्षेत्र में 'संयम' प्रशर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

(i) यह कि विश्व वन्य प्राणी निधि (भारतीय राष्ट्रीय भोपाल) मुख्य प्राकृतिक या अनुपयुक्त (कृषि/पशु पालन/मात्स्य की और औषधि से भिन्न) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिये प्राप्त राशियों का हिमांक पृथक् रूप से रखेगा।

(ii) यह कि उक्त निधि प्रत्येक वर्ष के लिये अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी परिषद् को प्रति वर्ष 30 अप्रैल तक ऐसे प्ररूपों में प्रस्तुत करेगा जो इस प्रयोजन के लिये अधिकृत किये जायें और उसे सूचित किये जायें।

संस्था

विश्व वन्य प्राणी निधि (भारतीय राष्ट्रीय भोपाल) मुख्य।

यह अधिसूचना 21-6-79 से 20-6-1982 तक की तीन वर्ष की अवधि के लिये प्रभावी है।

[सं० 3465(का० सं० 203/111/79-आई० टी० ए०-III)]

जे० पी० अर्मा, निदेशक

## MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 9th June, 1980

## INCOME-TAX

**S.O. 2523.**—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(iv) of the Income-tax Rules, 1962 under the category 'Association' in the area of other natural or applied science, subject to the following conditions:—

- (i) that the World Wildlife Fund (Indian National Appeal) Bombay will maintain a separate account of the sums received by it for scientific research in the field of natural or applied sciences (other than agriculture/animal husbandry/fisheries and medicines).
- (ii) That the said Fund will furnish the annual return of its Scientific Research Activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.

## INSTITUTION

THE WORLD WILDLIFE FUND (INDIAN NATIONAL APPEAL) BOMBAY.

This notification is effective for a period of three years from 21-6-79 to 20-6-1982.

[No. 3465/F. No. 203/111/79-ITA.II]  
J. P. SHARMA, Director.

नई दिल्ली, 1 जुलाई, 1980

## आय-कर

का० आ० 2524—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 की 43) की धारा 10 की उपधारा (23ग) के खण्ड (V) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, "गुरु गोबिंद सिंह फाउंडेशन, चंडीगढ़" को निर्धारण वर्ष 1979-80 और 1980-81 के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3508 (फा० सं० 197/13/80-आ० क०) ए० I]

New Delhi, the 1st July, 1980

## INCOME-TAX

**S.O. 2524.**—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Guru Gobind Singh Foundation, Chandigarh" for the purpose of the said section for the assessment years 1979-80 and 1980-81.

[No. 3508 (F. No. 197/13/80-IT(AI))]

नई दिल्ली, 16 जुलाई, 1980

## आय-कर

का० आ० 2525—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (v) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, "सेण्ट गैब्रियल जेवियर मिशन, दूधनी" को निर्धारण वर्ष 1978-79, 1979-80 और 1980-81 के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

सं० 3593 (फा० सं० 197/4/79-आ० क० (ए1))  
बी० एम० सिंह, अवर सचिव

New Delhi, the 16th July, 1980

## INCOME-TAX

**S.O. 2525.**—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "St. Francis Xavier Mission, Dudhni" for the purpose of the said section for the assessment years 1978-79, 1979-80 and 1980-81.

[No. 3593 (F. No. 197/4/79-IT(AI))]

B. M. Singh, Under Secy.

## केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 7 जुलाई, 1980

## आय-कर

का० आ० 2526—केन्द्रीय प्रत्यक्ष कर बोर्ड, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए समय-समय पर यथासंशोधित अपनी अधिसूचना सं० 679 (फा० सं० 187/2/74 आ० क० (ए1) तारीख 20 जुलाई, 1974 का निम्नलिखित संशोधन करता है।

2. क्रम सं० 13 और 13क के नामों से (1), (2) और (3) के नीचे विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ रखी जाएगी, अर्थात्:—

आय-कर	सुझालय	अधिकार-क्षेत्र
आय-कर		
13. कोषीन	कोषीन	1. कम्पनी सफिल, एरनाकुलम 2. आय-कर सफिल, एरनाकुलम 3. सर्वेक्षण सफिल, एरनाकुलम 4. विशेष सफिल, एरनाकुलम 5. बेतन सफिल, एरनाकुलम 6. आय-कर और संपदा-शुल्क सफिल, एरनाकुलम 7. आय-कर सफिल, मट्टमथेरी 8. आय-कर सफिल, मालवाए 9. आय-कर सफिल-I, कालीकट 10. आय-कर सफिल-II कालीकट 11. आय-कर सफिल, कन्नानोर 12. आय-कर सफिल, कामरागोड 13. आय-कर सफिल, पालघाट
13क. त्रिवेन्द्रम	त्रिवेन्द्रम	1. आय-कर सफिल, त्रिवेन्द्रम 2. बेतन सफिल, त्रिवेन्द्रम 3. आय-कर सफिल, कोट्टायम 4. आय-कर सफिल पिरुवाला 5. आय-कर सफिल, क्कोलोन 6. आय-कर सफिल, मल्लेप्पी 7. आय-कर सफिल, त्रिवूर 8. आय-कर और संपदा-शुल्क सफिल, त्रिवूर।

यह अधिसूचना 14-7-1980 से प्रभावी होगी।

[फा० सं० 187/41/79-आ० क० (ए० 1)]

## CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 7th July, 1980

## INCOME-TAX

**S.O. 2526.**—In exercise of the powers conferred by sub-section (i) of section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the Schedule appended to its Notification No. 679 [F. No. 187/2/74-IT(AI)] dated 20th July, 1974 as amended from time to time.



2. Existing entries under column (1), (2) and (3) against Sl. No. 13 and 13A shall be substituted by the following entries:-

Commissioner of Income-tax	Headquarters	Jurisdiction
"13. Cochin	Cochin.	1. Companies Circle, Ernakulam 2. Income-tax Circle, Ernakulam 3. Survey Circle, Ernakulam 4. Special Circle, Ernakulam 5. Salary Circle, Ernakulam 6. Income-tax-cum Estate Duty Circle, Ernakulam 7. Income-tax Circle, Mattancherry. 8. I.T. Circle, Alwaye. 9. Income-tax Circle I Calicut 10. Income-tax Circle, II, Calicut 11. Income-tax Circle, Cannanore. 12. Income-tax Circle, Kasargode. 13. Income-tax Circle, Palghat.
13A. Trivandrum	Trivandrum	1. Income-tax Circle, Trivandrum 2. Salary Circle, Trivandrum 3. Income-tax Circle, Kottayam 4. Income-tax Circle, Thiruvalla 5. Income-tax Circle, Quilon 6. Income-tax Circle, Alleppey 7. Income-tax Circle, Trichur 8. Income-tax-cum-Estate Duty Circle, Trichur."

This notification shall take effect from 14-7-1980.

[No. 3532/F. No. 187/41/79-IT (A1)]

#### आय-कर

क्रा० आ० 2527.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रबल शक्तियों का प्रयोग करते हुए, समय-समय पर यथासंशोधित अपनी अधिसूचना सं० 679, तारीख 20-7-74 का निम्नलिखित संशोधन करता है :-

क्रम सं० 11 और 14 के सामने स्तम्भ 1, 2 और 3 के नीचे विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा :-

आयकर आयुक्त	मुख्यालय	अधिकारिता
"11 कानपुर	कानपुर	1 सम्पदा शुल्क और आयकर सफिल, कानपुर 2 कम्पनी सफिल, कानपुर

1	2	3
II कानपुर (जारी)	कानपुर	3 वेतन सफिल, कानपुर 4 सफिल-I, कानपुर 5 सफिल-II, कानपुर 6 सफिल-III, कानपुर 7 सर्वेक्षण सफिल, कानपुर 8 बान्दा
14क इलाहाबाद	इलाहाबाद	1 इलाहाबाद 2 सम्पदा शुल्क और आयकर सफिल, इलाहाबाद 3 मुल्तानपुर 4 फैजाबाद 5 फतेहपुर 6 गोरखपुर 7 बस्ती 8 गोंडा 9 बहराइच 10 धाजमगढ़ 11 बलिया 12 देवरिया 13 बाराणसी 14 मिर्जापुर 15 जौनपुर 16 गाजीपुर 17 प्रतापगढ़ 18 मऊ नाथ भंजन 19 बघौसी"

यह अधिसूचना 1-8-1980 से प्रभावी होगी।

[सं० 3531/क्रा० सं० 187/10/80 आई०टी० (ए.1)]

बी० एम० सिंह, अपर सचिव  
केन्द्रीय प्रत्यक्ष कर बोर्ड

#### INCOME TAX

S.O.2527.—In exercise of the powers conferred by sub-section (1) of Section 121 of the I.T. Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to its Notification No. 679 dated 20-7-74, as amended from time to time.

The existing entries under col. 1, 2 and 3 against Sl. No. 11 and 14A shall be substituted by the following :-

Commissioner of Income Tax	Headquarters	Jurisdiction
1	2	3
11 Kanpur	Kanpur	1. ED-cum-I.T. Circle, Kanpur 2. Company Circles, Kanpur. 3. Salary Circles, Kanpur. 4. Circle-I, Kanpur. 5. Circle-II, Kanpur. 6. Circle-III, Kanpur. 7. Survey Circle, Kanpur. 8. Banda.

1	2	3
14A Allahabad	Allahabad	1. Allahabad. 2. ED-cum-I.T. Circle, Allahabad. 3. Sultanpur. 4. Faizabad. 5. Fatehpur. 6. Gorakhpur. 7. Basti. 8. Gonda. 9. Bahraich. 10. Azamgarh 11. Ballia. 12. Deoria. 13. Varanasi. 14. Mirzapur. 15. Jaunpur. 16. Ghazipur. 17. Partapgarh. 18. Mau Nath Bhanjan. 19. Badholi.

This notification shall take effect from 1-8-1980.

[No. 3531 (F. No. 187/10/80-IT (AI))]

नई दिल्ली, 10 जुलाई 1980

(आय-कर)

का० आ० 2528.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और अपनी अधिसूचना सं० 3532 तारीख 7-2-80 को अधिकांत करते हुए समय समय पर यथासंशोधित अपनी अधिसूचना सं० 679 (फा० सं० 187/2/74-आ० क० (ए1) तारीख 20 जुलाई, 1974 से उपाबद्ध अनुसूची का निम्नलिखित संशोधन करना है।

क्रम सं० 13 और 13क के सामने स्तंभ 3 के नीचे विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी:—

आय-कर आयुक्त	मुख्यालय	अधिकार क्षेत्र
1	2	3
13. कोचीन	कोचीन	1. कम्पनी सक्ति, एरनाकुलम 2. आय-कर सक्ति, एरनाकुलम 3. सर्वेक्षण सक्ति, एरनाकुलम 4. विशेष सक्ति, एरनाकुलम 5. वेतन सक्ति, एरनाकुलम 6. आयकर और सम्पदा शुल्क सक्ति, एरनाकुलम 7. आय-कर सक्ति, मट्टनचेरी 8. आय-कर सक्ति, अनवाए 9. आय-कर सक्ति I, कालीकट 10. आय-कर सक्ति-II, कान्नीकट 11. आय-कर सक्ति, कन्नानोर 12. आय कर सक्ति, कन्निरागोड 13. आय-कर सक्ति, पालघाट 14. आय-कर सक्ति, त्रिचूर 15. आय-कर और संपदा शुल्क सक्ति, त्रिचूर
13क त्रिवेन्द्रम	त्रिवेन्द्रम	1. आय-कर सक्ति, त्रिवेन्द्रम 2. वेतन सक्ति, त्रिवेन्द्रम 3. आय-कर सक्ति, कोट्टायम

1	2	3
		4. आय-कर सक्ति, थिगवल्ला 5. आय-कर सक्ति, कवीरल्ल 6. आय-कर सक्ति, अन्नेप्पी

यह अधिसूचना 14-7-1980 से प्रभावी होगी।

[सं० 3541/फा० सं० 187/41/78-आ० क० (ए1)]

बी० एम० सिंह, प्रवर सचिव

New Delhi, the 10th July, 1980

### INCOME TAX

S.O.2528.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961) the Central Board of Direct Taxes in supersession of its notification No. 3532 dated 7-7-80 hereby makes the following amendments to the Schedule appended to its Notification No. 679/F. No. 187/2/74-IT (AI) dated 20th July, 1974 as amended from time to time.

The existing entries under column (1), (2) and (3) against Sl. No. 13 and 13A shall be substituted by the following entries

Commissioner of Income-tax	Headquarters	Jurisdiction
13. Cochin	Cochin	1. Companies Circle, Ernakulam 2. Income-tax Circle, Ernakulam 3. Survey Circle, Ernakulam 4. Special Circle, Ernakulam 5. Salary Circle, Ernakulam 6. Income-tax-cum-Estate Duty Circle, Ernakulam 7. Income-tax Circle, Mattancherry. 8. I.T. Circle, Alwaye. 9. Income-tax Circle-I, Calicut. 10. Income-tax Circle-II, Calicut. 11. Income-tax Circle, Cannanore 12. Income-tax Circle, Kasargode. 13. Income-tax Circle, Palghat. 14. Income-tax Circle, Trichur. 15. Income-tax-cum-Estate Duty Circle, Trichur.
13A. Trivandrum	Trivandrum	1. Income-tax Circle, Trivandrum. 2. Salary Circle, Trivandrum 3. Income-tax Circle, Kottayam.

1	2	3
		4. Income-tax Circle, Thiruvalla
		5. Income-tax Circle, Quilon.
		6. Income-tax Circle, Alleppey.

This notification shall take effect from 14-7-1980.

[No. 3541 (F. No. 187/41/79-IT (A1))

B. M. SINGH Under Secy.

नई दिल्ली, 2 अगस्त, 1980

#### आयकर

का० आ० 2529—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खंड (44) के उपखंड (3) का अनुसरण करने हुए तथा भारत सरकार के राजस्व विभाग की 11 जुलाई, 1977 की अधिसूचना संख्या 1869 (फा०सं० 404/158/77-आ०क०सं०क०) का अधिलेखन करते हुए, केन्द्रीय सरकार, एतद्द्वारा श्री एम०एन० जलाली को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों को प्रयोग करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना श्री एम०एन० जलाली द्वारा कर वसूली अधिकारी के पद का कार्य-भार ग्रहण करने की तारीख से लागू होगी।

[संख्या 3614 (फा०सं० 398/24/80-आ०क०सं०क०)]

New Delhi, the 2nd August, 1980

#### INCOME-TAX

**S.O. 2529.**—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 1869 (F. No. 404/158/77-ITCC) dt. 11-7-1977 the Central Government hereby authorises Shri M. N. Jalali, being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri M. N. Jalali takes over charge as Tax Recovery Officer.

[No. 3614 (F. No. 398/24/80-ITCC)]

#### आयकर

का० आ० 2530—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खंड (44) के उपखंड (3) का अनुसरण करते हुए तथा भारत सरकार के राजस्व विभाग की 5 अक्टूबर, 1978 की अधिसूचना संख्या 2536 (फा०सं० 404/158/77-आ०क०सं०क०) का अधिलेखन करते हुए, केन्द्रीय सरकार एतद्द्वारा श्री सुरेश चन्द्र को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना श्री सुरेश चन्द्र द्वारा कर वसूली अधिकारी के पद का कार्य-भार ग्रहण करने की तारीख से लागू होगी।

[संख्या 3616 (फा०सं० 398/24/80-आ०क०सं०क०)]

#### INCOME-TAX

**S.O. 2530.**—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961) and in supersession of Notification of the Government of India in 694 GI/80—4

the Department of Revenue 2536 (F. No. 404/158/77-ITCC) dated 5-10-1978 the Central Government hereby authorises Shri Suresh Chander being a gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri Suresh Chandra takes over charge as Tax Recovery Officer.

[No. 3616 (F. No. 398/24/80-ITCC)]

#### आयकर

का० आ० 2531—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खंड (44) के उपखंड (3) का अनुसरण करते हुए, केन्द्रीय सरकार, एतद्द्वारा श्री पतिराखन लाल को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना श्री पतिराखन लाल द्वारा कर वसूली अधिकारी के पद का कार्य-भार ग्रहण करने की तारीख से लागू होगी।

[संख्या 3618 (फा०सं० 398/24/80-आ०क०सं०क०)]

#### INCOME-TAX

**S.O. 2531.**—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri Putirakhan Lal being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri Putirakhan Lal takes over charge as Tax Recovery Officer.

[No. 3618 (F. No. 398/24/80-ITCC)]

नई दिल्ली, 19 अगस्त, 1980

#### आयकर

का० आ० 2532—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खंड (44) के उपखंड (3) का अनुसरण करते हुए तथा भारत सरकार के राजस्व विभाग की दिनांक 5 फरवरी, 1980 की अधिसूचना सं० 3172 (फा०सं० 398/3/80-आ०क०सं०क०) का अधिलेखन करते हुए, केन्द्रीय सरकार, एतद्द्वारा श्री लाल सिंह को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना श्री लाल सिंह द्वारा कर वसूली अधिकारी के पद का कार्य-भार ग्रहण करने की तारीख से लागू होगी।

[सं० 3623 (फा०सं० 398/3/80-आ०क०सं०क०)]

New Delhi, the 19th August, 1980

#### INCOME-TAX

**S.O. 2532.**—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 3172 (F. No. 398/3/80-ITCC) dated 5-2-80, the Central Government hereby authorises Shri Lal Singh being a gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri Lal Singh takes over charge as Tax Recovery Officer.

[No. 3623 (F. No. 398/3/80-ITCC)]

#### आयकर

का० आ० 2533—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खंड (44) के उपखंड (3) का अनुसरण करते हुए, केन्द्रीय सरकार, एतद्द्वारा श्री बी० बी० सिंघल को, जो केन्द्रीय सरकार

के राजपत्रित अधिकारी है, उक्त अधिनियम के अन्तर्गत कर बसूली अधिकारी की शक्तियों का प्रयोग करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना श्री बी०बी० सिंघल द्वारा कर बसूली अधिकारी के पद का कार्य-भार ग्रहण करने की तारीख से लागू होगी।

[संख्या 3625 (फा०सं० 398/3/80-आ०क०स०क०)]

#### INCOME-TAX

**S.O. 2533.**—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri V. B. Singhal being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri V. B. Singhal takes over charge as Tax Recovery Officer.

[No. 3625 (F. No. 398/3/80-ITCC)]

नई दिल्ली, 22 अगस्त, 1980

#### आयकर

**फा०आ० 2534.**—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खंड (44) के उप-खण्ड (3) का अनुसरण करते हुए, केन्द्रीय सरकार एतद्वारा श्री लाम सिंह को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अन्तर्गत कर बसूली अधिकारी की शक्तियों का प्रयोग करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना श्री लाम सिंह द्वारा कर बसूली अधिकारी के पद का कार्य-भार ग्रहण करने की तारीख से लागू होगी।

[संख्या 3628 (फा०सं० 398/16/80-आ०क०स०क०)]

New Delhi, the 22nd August, 1980

#### INCOME-TAX

**S.O. 2534.**—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri Labh Singh being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri Labh Singh takes over charge as Tax Recovery Officer.

[No. 3628 (F. No. 398/16/80-ITCC)]

#### आयकर

**फा० आ० 2535.**—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (3) का अनुसरण करते हुए, केन्द्रीय सरकार, एतद्वारा भारत सरकार के वित्त मंत्रालय (राजस्व विभाग) की दिनांक 30 जून, 1979 की अधिसूचना संख्या 2920 [फा०सं० 404/133/(क०व०आ०-पटियाला)/79-आ०क०स०क०] में निम्नलिखित संशोधन करती है, अर्थात् उक्त अधिसूचना में "श्री आर०के० शर्मा, श्री एल० डी० अग्रवाल तथा श्री एस०एम्० मेहरा" शब्दों और अक्षरों के स्थान पर "श्री आर०के० शर्मा तथा श्री एल०डी० अग्रवाल" शब्द और अक्षर प्रतिस्थापित किये जायेंगे।

[संख्या 3630 (फा०सं० 398/16/80-आ०क०स०क०)]

एच० वेंकटरामन्, उप-सचिव

#### INCOME-TAX

**S.O. 2535.**—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 2920 [F. No. 404/133 (TRO-Patiala)/79-ITCC] dated 30-6-79; namely in the said Notification for the words and letters "S/Shri R. K. Sharma, L. D. Aggarwal and S. S. Mehra" the words and letters "S/Shri R. K. Sharma, and L. D. Aggarwal" shall be substituted.

[No. 3630 (F. No. 398/16/80-ITCC)]

H. VENKATARAMAN, Dy. Secy.

#### (बीमा प्रभाग)

नई दिल्ली, 30 अगस्त, 1980

**फा० आ० 2536.**—केन्द्रीय सरकार जीवन बीमा निगम अधिनियम 1956 (1956 का 31) की धारा 4 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा निदेश देती है कि पहली सितम्बर 1980 से भारतीय जीवन बीमा निगम के निम्नलिखित सदस्य होंगे :—

1. श्री जे०आर० जोशी, अध्यक्ष भारतीय जीवन बीमा निगम, केन्द्रीय कार्यालय, बम्बई
2. श्री ए०एस० गुप्ता, प्रबन्ध निदेशक, भारतीय जीवन बीमा निगम, केन्द्रीय कार्यालय, बम्बई
3. कु० कुसुम लता मितल, अपर सचिव (बीमा) आर्थिक कार्य विभाग, वित्त मंत्रालय, नई दिल्ली
4. श्री आर०के० वाटवाला, अध्यक्ष, भारतीय साधारण बीमा निगम, इंडस्ट्रियल एंशरेंस बिल्डिंग, चर्च गेट, बम्बई
5. श्री आर०के० तलवार, अध्यक्ष एवम् प्रबन्ध निदेशक, इंडस्ट्रियल डेवलपमेंट बैंक आफ इंडिया, बम्बई
6. —16 रिक्त

और श्री जे०आर० जोशी को निगम का अध्यक्ष नियुक्त करती है।

[फा०सं० 124(4)बीमा-4/80]

मदन गुप्ता, निदेशक (बीमा)

#### (Insurance Division)

New Delhi, the 30th August, 1980

**S.O. 2536.**—In exercise of the powers conferred by the Section 4 of the Life Insurance Corporation Act, 1956, (31 of 1956), the Central Government hereby directs that with effect from the 1st September, 1980, the Life Insurance Corporation of India shall consist of the following members :—

1. Shri J. R. Joshi, Chairman, Life Insurance Corporation of India, Central Office, Bombay.
2. Shri A. S. Gupta, Managing Director, Life Insurance Corporation of India, Central Office, Bombay.
3. Km. Kusum Lata Mital, Additional Secretary (Insurance) Department of Economic Affairs, Ministry of Finance, New Delhi.
4. Shri R. K. Daruwalla, Chairman, General Insurance Corporation of India, Industrial Assurance Building, Churchgate, Bombay.
5. Shri R. K. Talwar, Chairman-cum-Managing Director, Industrial Development Bank of India, Bombay.
6. 16 Vacant.

and appoints Shri J. R. Joshi as Chairman of the Corporation.

[F. No. 124(4)Ins. IV/80]

M. G. GUPTA, Director (Insurance)

#### (आर्थिक कार्य विभाग)

नई दिल्ली, 4 सितम्बर, 1980

#### बैंकिंग प्रभाग

**फा०आ० 2537.**—भारतीय स्टेट बैंक अधिनियम 1955 (1955 का 23) की धारा 19 की उपधारा (1) के खण्ड (3) की शर्तों के अनुसार केन्द्रीय सरकार एतद्वारा वित्त मंत्रालय आर्थिक कार्य विभाग (बैंकिंग प्रभाग) के अपर सचिव श्री आर०के० कौल को श्री एस० बी०एस० जुनेजा के स्थान पर भारतीय स्टेट बैंक के केन्द्रीय मण्डल (बोर्ड) में निदेशक नामित करती है।

[संख्या एफ० 9/1/80-बी०ओ०-1(1)]